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NARRATIVE
OF THE
Proceedings upon the Complaint
AGAINST
GOVERNOR MELVILL.



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EXHIBITATIVE



Proceedings of the Commission

NOV 1931

GOVERNMENT

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INTRODUCTION.

WHAT I undertake to show by this publication is, that the Lords of the committee of his Majesty's council, to whom the complaint against Governor Melvill was referred, acted partially and unfairly in the manner of examining into that matter, and consequently, that the report they may have made to his Majesty is not to be depended on.

Secondly, I undertake to show, from the Answers of Governor Melvill (with references to those publick papers which ought to be in the Plantation Office, and which should have been produced) that the charges were fully proved against him; and consequently, that the persons who advised his Majesty to send back Mr. Melvill to Granada as Governor, were equally disregarding of the dignity of the crown, as of the rights of the people.

There have been many bitter invectives of late against the behaviour of his Majesty's subjects in the Colonies, while they equally complain of the wickedness of administration at home, which have produced those mutual animosities that are now hardly to be allayed. Wherever accusations of this kind are general, from the Governors against the governed, the first are, in fact, pronouncing a satire on themselves. Mankind are easily conducted in society by those who

a

have

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have considered the effects of the various passions which Providence has implanted in our minds. But, to such as are totally ignorant of the principles; who dare not trust their effect; and who act upon the first impression of things (which in politicks is always deceitful) the task is unfurmoutable.

The first great object with those who are entrusted with the management of an established society should be to know the general rights of mankind;—not those visionary rights which never did exist in nature, but such as men of moral sentiments have confessed to belong to human beings, in all ages, and without which they are always worse men and worse subjects*.

The second point to be studied, is the different rights of the several orders of men in the respective communities.

The last is a strict adherence to the preservation of those rights, which we call justice.

It is from a thorough ignorance, and a total disregard of all the three foregoing axioms in the administration of the affairs of the colonies, that the hatred and contempt of the people to the mother country have arisen.

I do not say, from any design of tyranny or oppression in the rulers here, which is not the fault of

* In this class I comprehend the following maxim, — That no one shall be tortured into confessions or discoveries of any sort.

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the age, but from a worse symptom, a total indifference in all matters that do not immediately concern our own particular interest *. This added to the distance of place and time, to which every transaction of the colonies is subject before it can be considered, renders every discussion, even of the most important right, a matter of the coolest concern, where men meet to amuse themselves, as in a coffee-house, or to write letters of business in the middle of the most interesting point in the cause †.

The capital mistakes which have been committed in the administration of the affairs of the Colonies, should render men less self-sufficient in judging upon any point concerning them. Instead of simplifying the business of the board of trade, and putting the whole under the management of *one* person, and rendering the rest mere pensioners of state and idle pageants; each particular Colony ought to have a patron at the board, who should be responsible in the eye of the public for the affairs of that Colony. They ought, it is true, to report to the Secretary of State; and the whole board, to render the general constitution of government uniform throughout.

Here we might expect to see a rivalry in the different members in their application, genius and integrity in the dispatch of Colony business. As it stands at present it must depend on chance; for no one man is equal to the task, of hearing and reading

* This is so true that a man must raise a convulsion approaching to rebelling before his complaints can be listened to.

† This was indecently shocking during the examination into the present case, even allowing the matter had been determined before hand.

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their various concerns, much less determining upon the contents.

Another mistake which has contributed greatly to the mismanagement of the Colonies, is a foolish idea that prevailed here, from the subtlety of some lawyers, that the several governments were merely corporations, and that therefore they were entirely under the management of the Crown, independent of the other branches of the legislature; both of which ideas are ridiculously false. Every one of the Colonies has a competent legislature, and a system of distributive justice within itself, subject to appeals to this country, and to the controul of the sovereign power of the whole empire, but not liable to the fanciful caprice of any particular part of that sovereign power *.

Most of our statesmen here, buoyed up with the magnificence of this country, and seldom conceiving that the weakest minds are to be found in the richest commonwealths, are apt to regard the rights of the Colonists as the courtiers of Brobdignag did poor Gulliver. They are often sporting and playing in the wantonness of their power, at the risque of the other's life. If there is any point of government in dispute, and the Colonists quote similar precedents from this country, it is immediately asked, Would you give these diminutive bodies the same privileges which the different departments in this country enjoy? Certainly they must possess the same powers respecting their several communities, for the like reason, perhaps, that

* Vide the Resolutions of the different Houses on the affairs of the Colonies, 1768.

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a child has the same laws of existence and circulation as a giant. The several powers are not given in respect to the magnificence or dignity of the different branches of government, but because they are essential to the exercise and discharge of such and such functions, whether you consider the community upon a small or a greater scale. Of this kind, for instance, are the privileges incident to an assembly of men, acting as legislators, whether here or there, as much as the powers of courts of justice, which no one disputes; and in like manner, I apprehend the powers of the different Governors to act as Captain-Generals, as being Locum Tenens for the King, is equally demonstrable from the same source, according to the nature of our constitution of government.

I thought it necessary to say so much on the general subject of the administration of the affairs of the Colonies, before I come to state some particular considerations respecting the Colony of Granada.

I freely acknowledge, it has always given me the most mortifying reflections, that the affairs of Canada and Granada, by which the different nations of Europe were to judge of the inferiority or superiority of our government, compared with that of France, should have been so shamefully neglected, in so much that one may venture to pronounce with certainty, from the incongruous and unsettled mixture of privileges and jurisdictions which have prevailed, that the inhabitants of Turkey have enjoyed more happiness during this period. I speak now independently of the commiseration which is due to so numerous a body of people remaining under our protection, and

trusting to our good faith. But when that likewise is considered, the whole must present a deplorable picture of the directing powers of this country, when so great objects of policy and justice could not tempt our ministers to settle the affairs of those communities during a space of seven years. Another humiliating circumstance, for the glory of this kingdom, in the mind of a man of sense, arises from considering that most of the persecutions and embarrassments which the new subjects have suffered, may be deduced from — illiberal prejudices in point of religion, at a time, and in an age, when the influence of speculative opinions in matters of government are thoroughly understood.—If we had presented to the world a display of the wealth and prosperity of these new acquired subjects free from religious persecutions; if we had even seduced them to appear at the court of France, to have outdone the follies of a French Creol, or an English Nobleman, it would have gone further to have secured our conquests in any future war, than the most numerous fleets, or the most powerful armies. Unfortunately for this nation, every generous principle of policy has been despised. Maxims of the meanest hypocrisy have been defended. The Earl of Hillsborough, from an affectation of philosophy, has indeed condemned the conduct, while he protected the man. All the subterfuge of law has been introduced to govern the determination of a board of state and advice, and to shut the ears of his Majesty against the cries of his new subjects, and the voice of his people speaking through their Representatives. I am not one of those who favour a relaxed conduct in Government; on the contrary, I wish to support a steady determined plan, agreeable to the law and the constitution.

stitution. It is this principle that makes me wish for impartial justice, because without the one it is in vain to attempt the other. The true principle of a steady plan of government cannot merely consist in supporting men in authority. It must equally stand ready to yield them up when culpable, as to maintain them against all unjust accusation or clamour when innocent. These are the maxims upon which I desire the public will judge upon the conduct of the committee of his Majesty's council, in examining into the complaint against Governor Melvill, and likewise of my own conduct, in appealing to the world against their decision by a narrative of the facts.

In the month of December 1767, the Assembly of the island of Granada being dissatisfied with the conduct of their Agent, came to a vote, directing the Committee of Correspondence to transact business with Lieutenant Colonel Alexander Johnstone, then in England, and who had been chosen one of their members. In consequence of this vote, the Lieutenant Colonel received various letters from the Speaker Mr. Winniet, and from Mr. Alexander, Chairman of the Committee of Correspondence, *in their public characters*, severally complaining of the mal-administration of Governor Melvill, and desiring that the Lieutenant Colonel would make representations to his Majesty's Ministers against Mr. Melvill. This he accordingly did, and was assured in answer, that Governor Melvill was coming home, in consequence of his Majesty's leave of absence, transmitted to him for that purpose.

In the month of July, Governor Melvill actually left the island : upon his arrival in England, the same complaints were preferred against him. Lord Hillsborough said, He was ready to execute every part of his duty ; but, as he supposed the intention of the most inveterate of Mr. Melvill's opponents was only to prevent his return to the island as Governor, he thought it would be better to stay till it was seen whether Mr. Melvill would chuse of himself to go back, at the risque of such disturbance, That he, Lord Hillsborough, had strongly dissuaded Mr. Melvill from this measure, and perhaps it might not happen ; that in short there would be time enough to hear the parties after Mr. Melvill should give in his public notification of his intention of returning to Granada, of which Colonel Johnstone should have notice, Agreeable to this promise, Colonel Johnstone received the following note from Mr. Pownall.

‘ Mr. POWNALL presents his compliments to Col. Johnstone, and acquaints him, that Governor Melvill has signified to Lord Hillsborough his intention of returning to his government.

‘ Wednesday 20th Sept. 1769.’

On the 3d of October the following Letter was wrote to Mr. Pownall, inclosing the Papers which stand in their order.

Copy

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Copy of a Letter to Mr. POWNALL, October 3d 1769,
inclosing the Memorial from the Proprietors of
Lands in Granada, with the Address to the King,
18th March 1768; and the Address to Lieutenant
Governor Fitzmaurice.

‘ S I R,

‘ I Have the honour to inclose to you a Memo-
‘ rial from some of the Proprietors of lands in the
‘ Island of Granada, which they think incumbent on
‘ them to present to Lord Hillsborough, upon being
‘ informed that Mr. Melvill proposes to re-visit that
‘ Government—His presence, in that country, they
‘ conceive, must inevitably revive all those distrac-
‘ tions and disturbances between the old and new
‘ subjects that agitated the community for so many
‘ months before his departure, which, they believe,
‘ it is the wish of his Majesty to prevent.

‘ That his Lordship may be sensible those appre-
‘ hensions are grounded on the strongest facts, the
‘ Gentlemen think it proper to inclose, at the same
‘ time, the Address of the Assembly to his Majesty
‘ in March 1768, and the Address of the Assembly
‘ to Lieutenant Governor Fitzmaurice on Mr. Mel-
‘ vill’s departure in September following, which will
‘ sufficiently shew the sense of the Island.

‘ I am, with the greatest respect,

‘ Sir,

‘ Your most obedient, and
‘ most humble servant,

‘ London,

‘ Oct. 3d 1769.

‘ JOHN POWNALL, Esq;

‘ ALEX. JOHNSTONE.

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MEMORIAL of the PROPRIETORS of LANDS to exist in the Island of GRANADA.

To the Right Honourable the Earl of HILLS-
BOROUGH, his Majesty's Principal Secretary
of State for the Colonies.

The MEMORIAL of the Proprietors of Lands in
Granada, now in London, in behalf of themselves
and the principal inhabitants residing on the Island †,

HUMBLY SHEWETH,

THAT soon after the arrival of Governor Mel-
vill in the said island, disquiets and animosi-
ties began to take place, and latterly had increased
to so great a degree, that the whole island was in
the utmost state of violence and distraction:

That immediately upon his leaving the island,
peace and quiet was re-established, the same as be-
fore his first arrival in the Government.

That the Memorialists being assured, from the
best information from the island, that his return
there would revive again those distractions and ani-
mosities, which happily have subsided since his de-
parture.

They therefore humbly hope, his Majesty, out
of compassion to his infant Colony, will be gra-
ciously pleased to postpone his return to that Go-
vernment.

ALEX. JOHNSTONE.

JOHN TOWNSON.

WILLIAM PULTENEY.

WILLIAM HOWARD,

WILLIAM MACINTOSH.

J. DUMARESQU.

MICHAEL SCOTT.

L. MACLEANE.

EDMUND PROUDFOOT.

† This was in consequence of a public meeting.

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‘ To the KING’s most Excellent Majesty,
‘ The humble Address of the Representatives of the
‘ Islands of Granada and the Granadines in General Assembly.

‘ May it please your MAJESTY,
‘ WE your Majesty’s most dutiful, loyal, and
‘ faithful subjects, the Representatives of the
‘ people of your islands of Granada and the Granadines, beg leave, with the greatest humility, to approach your sacred person, to lay before your Majesty the distress this Colony has, for a considerable time past, laboured under, from the violence and intrigues of your Majesty’s Council.

‘ The concern for the welfare and prosperity of
‘ all your Majesty’s subjects, however remote, which
‘ your Majesty has demonstrated on so many important occasions, inspires us with the highest confidence of your Majesty’s protection,

‘ We have always considered that the different
‘ branches of the legislature ought to be free and
‘ independent of each other; and therefore could not
‘ help observing, with concern, the strong interposition of the other two branches in elections of
‘ Members to serve in the General Assembly, and
‘ the partiality of Returning Officers, who are always
‘ named by the Commander in Chief,

‘ The Assembly, under the necessity of shewing
‘ their disapprobation of such measures, and particularly
‘ early

‘ larly of Returning Officers assuming to themselves
 ‘ the right of taking or refusing votes at their plea-
 ‘ sure, upon a complaint made to them, summoned
 ‘ before them a Returning Officer, and after an exa-
 ‘ mination of witnesses three days, when it was
 ‘ fully proved, that he refused several votes for a can-
 ‘ didate, and could only give for reason, That *he*
 ‘ *believed him to be a Roman Catholic*:

‘ The Assembly, studious of giving an example of
 ‘ moderation, simply condemned him and a Justice
 ‘ of the Peace, who, at the same election, had or-
 ‘ dered a candidate and his agent into custody, to ac-
 ‘ knowledge and beg pardon of the House.

‘ This submission they, in the most obstinate man-
 ‘ ner, refused to make; upon which they were or-
 ‘ dered to the common gaol,

‘ The evening following, and when the House of
 ‘ Assembly did not stand prorogued, they were taken
 ‘ out by Patrick Maxwell and Robert Turner, Es-
 ‘ quires, Members of the Council and Assistant Judges;
 ‘ and before the Assembly could again meet, they were
 ‘ prorogued: notwithstanding this prorogation, the
 ‘ Council continued to sit, considering themselves *still*
 ‘ *in their legislative capacity*, published their minutes
 ‘ of the 11th and 15th of January, wherein they pas-
 ‘ sed the most virulent and abusive resolutions con-
 ‘ cerning the Assembly, grounded on the grossest mis-
 ‘ representation of facts.

‘ The Assembly, though deeply affected with the
 ‘ indecency of such proceedings on the part of the
 ‘ Council,

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‘ Council, beg leave only to observe, that the Grand
‘ Jury, duly summoned, and consisting entirely of
‘ the natural-born subjects, and the principal inha-
‘ bitants of the Colony, thought it their indispen-
‘ sible duty, unanimously to address your Majesty’s
‘ Governor to call the Assembly which then stood
‘ prorogued.

‘ Most Gracious SOVEREIGN,

‘ We are extremely mortified to find it incumbent
‘ on us at present, to acquaint your Majesty of the
‘ difficulties this Colony has already experienced, and
‘ is still likely to feel, from the obstruction of pub-
‘ lic business, owing solely to the wanton and cabal-
‘ ling spirit of those in power, and their constant at-
‘ tempts to vilify and overbear the Representatives of
‘ your Majesty’s subjects of this Colony.

‘ We forbear enumerating the many instances of
‘ artifice and intrigue practised here, founded on
‘ authority, and tending only to the gratification of
‘ individuals, convinced that your Royal Justice,
‘ which has ever been extended to the meanest of
‘ your subjects, will assure to this Colony a conti-
‘ nuation of your Majesty’s paternal regard.

‘ Signed by order of the House,

‘ ALEXANDER WINNIETT, Speaker.’

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Copy of the ADDRESS of the House of Assembly,
to Lieutenant Governor Fitzmaurice, upon their
meeting the 27th August 1768, after the depar-
ture of Governor MELVILL.

‘ May it please your HONOUR,

‘ WE his Majesty’s most dutiful, loyal, and
‘ faithful subjects, the Representatives of the
‘ people of his Islands of Granada and Granadines,
‘ in General Assembly, beg leave to thank your Ho-
‘ nour for your Speech, and to offer our hearty con-
‘ gratulations on your succession to the Administra-
‘ tion of this Government. We are so much the
‘ more joyful upon the interesting occasion, that from
‘ your character, and the marks you give of an up-
‘ right, impartial, and disinterested conduct, we ex-
‘ pect that you will fulfil towards these Colonies,
‘ the good intention of our most gracious Sovereign,
‘ for the prosperity and happiness of all his people;
‘ and that we shall be relieved from the confusion,
‘ anxiety, and distresses, unto which we have been
‘ long and unmeritedly plunged *by the oppression*
‘ *and artifices of a designing man*, whose station ought
‘ to have instilled into him nobler principles.

‘ We request your Honour will be assured, that
‘ it is, and always has been, our most sincere incli-
‘ nation, as well as it is our duty to make every effort
‘ that can contribute to the perfect security, tranquil-
‘ lity, and welfare of these Colonies: and as it al-
‘ ways has been our study to avoid every motive,
‘ which had not for its object the public good, it shall
‘ constantly

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‘ constantly be our chief care, to remove every obstacle in the way of what we ardently wish to promote.

‘ ALEX. WINNIETT, Speaker.’

In answer to these Lord Hillsborough said, (in my opinion) very properly, that these several Memorials, and other applications, being conceived in general terms, without any specific charge, he did not think it advisable to propose any resolution to his Majesty’s Council on such Papers.

This produced a Letter to Lord Hillsborough, inclosing particular articles of charge.

Lieutenant Colonel JOHNSTONE’S Second Letter, dated the 31st of October 1769, inclosing the Articles of Complaint.

‘ My LORD,

‘ **W**HEN a General Charge was brought against Governor Melvill for his misconduct in his administration of justice in Granada, it was done out of tenderness to that Gentleman; not for want of particular grounds of complaint.

‘ The object of that charge was solely to prevent a renewal of those destructive feuds and animosities which had subsisted during the entire period of his Administration, which have happily subsided during his absence, but which must unavoidably take place again upon his return.

‘ No

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‘ No personal injury was intended to Mr. Mel-
‘ vill; but since that Gentleman thinks proper to make
‘ the objection, and state it *as a hardship*, that a Ge-
‘ neral Charge should be brought against him with-
‘ out specifying facts in support of it, I have the ho-
‘ nour of transmitting to your Lordship some of the
‘ particular articles upon which we found our com-
‘ plaints of Governor Melvill’s Administration, as
‘ unconstitutional, oppressive, and arbitrary.

‘ I have the honour to be,
‘ My Lord, your Lordship’s
‘ most obedient and most
‘ humble servant,

‘ London,
‘ Oct. 31st, 1769.

ALEX. JOHNSTONE.

‘ To the Earl of Hillsborough, one of his Majesty’s
‘ Principal Secretaries of State.’

The foregoing Letter still proving unsatisfactory
to Lord Hillsborough, who wished to throw the de-
cision on his Majesty’s Council, upon his represen-
tation, another Letter was wrote.

Copy of a LETTER from Lieutenant Colonel JOHN-
STONE to Lord HILLSBOROUGH, London, De-
cember 1st, 1769.

‘ My LORD,
‘ I Have consulted with the principal Gentlemen
‘ who signed the Request to your Lordship as Se-
‘ cretary of State for the Colonies, that Mr. Mel-
‘ vill might not be sent back to disturb the Govern-
‘ ment, and distract the inhabitants of Granada;
‘ and

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‘ and who likewise approved of the Articles of Charge
 ‘ which were selected and given in as particular in-
 ‘ stances of misconduct to inforce that Request; and
 ‘ I have communicated to them what your Lordship
 ‘ said relative to those Articles, namely,—That
 ‘ they ought to be signed by somebody who made
 ‘ themselves responsible to prove them—And that
 ‘ they ought to be addressed as a Petition to his Ma-
 ‘ jesty in Council.

‘ The Answer which they have advised me to make
 ‘ to your Lordship, on this subject, is as follows.

‘ They agree that the Articles ought to be signed,
 ‘ and they thought that the subscribed Letter ac-
 ‘ companying them was a full evidence of their au-
 ‘ thenticity; but to prevent any doubt on that head, I
 ‘ now inclose a Copy signed, with one additional
 ‘ Charge. With respect to the form of a Petition
 ‘ to his Majesty in Council, they object to that mode,
 ‘ as being liable to involve them in much expence
 ‘ and trouble. They are far from wishing that Mr.
 ‘ Melvill, or any man living, should be condemned
 ‘ without hearing what he has to say in his defence,
 ‘ and examining into his conduct; but they conceive
 ‘ that such opportunity may be fully given without
 ‘ considering them as prosecutors in a judicial man-
 ‘ ner before the King and Council; they consider
 ‘ this Complaint as a matter of State, concerning +
 ‘ which his Majesty, by the advice of his Ministers,
 ‘ will determine as he thinks proper.

‘ If they were to proceed in a judicial manner,
 ‘ they would add many other Articles of oppression
 ‘ not

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‘ not less notorious, though, from the distance
 ‘ of the place, more difficult of proof; but they
 ‘ have selected those Articles, as being constitu-
 ‘ tional points on which the Liberty of the sub-
 ‘ ject in the Colonies depend, and as being ca-
 ‘ pable of immediate proof, to those who are desirous
 ‘ to examine; all of them, depending upon the Pub-
 ‘ lic Records of the country, without sending for
 ‘ persons from such an immense distance: But if the
 ‘ accusations in themselves are thought of so frivo-
 ‘ lous a nature, that they would not be sufficient (if
 ‘ proved) to induce the removal of a man of Mr.
 ‘ Melvill’s interest, it is of little use to enter into a
 ‘ long train of Common Law proof and discussion
 ‘ concerning them. If, on the contrary, the Ar-
 ‘ ticles are sufficient to induce the removal of Mr.
 ‘ Melvill, supposing them true, the several minutes
 ‘ of the Council and Assembly, to which the princi-
 ‘ pal accusations relate, were transmitted to your
 ‘ Lordship’s office, and other authentic Copies are
 ‘ now in England, ready to be produced; together
 ‘ with attestations of the proceedings of the Courts
 ‘ of Justice, to which the other matters of accusa-
 ‘ tion relate.

‘ I have the Honour to be,

‘ My Lord,

‘ your Lordship’s

‘ most obedient and most

‘ humble servant,

‘ ALEX. JOHNSTONE,

Dated, ‘ London,

‘ Decemb. 1st, 1767.

‘ To the Right Honourable the Earl of HILLSBO-
 ‘ ROUGH, one of his Majesty’s Principal Secretaries
 ‘ of State for the Colonies,

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In answer to this Letter, Lord HILLSBOROUGH was pleased to write.

‘ Whitehall, December 13th, 1769. ’

‘ S I R,

‘ I Am to acquaint you, that in obedience to his Majesty’s command, I have laid the Paper signed by you, containing Articles of Complaint against Governor Melvill, together with the Letter accompanying it, before his Majesty’s most Honourable Privy Council.

‘ I am,

‘ Sir,

‘ Your most obedient

‘ humble servant,

‘ HILLSBOROUGH.

‘ To Lieutenant Colonel Alexander Johnstone.’

No further notice was taken of those Complaints till the day before the meeting of Parliament; nor could Colonel Johnstone learn, after repeated applications, whether there would be a public hearing or not. Mr. George Johnstone, on that day, went to the Council Office, by the desire of his brother, who was sick, to inquire whether the report was true, that Governor Melvill was really going abroad, with the permission of Government, without answering the Charges against him. Mr. George Johnstone saw Mr. Sharp and Mr. Cotterell, Clerks of the Council. Mr. Sharp said, he had heard that Governor Melvill was going without answering the Charges; but, as far as he knew of the practice of the Office, he could not believe it.

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Mr. Cotterell said, That he believed that Governor Melvill was going with the approbation of the King's Ministers, if he was not already departed; that Lieut. Colonel Johnstone had submitted the matter to his Majesty's Ministers, as an affair of State, and they had resolved upon it. Mr. George Johnstone asked, If the Lords of Council had ever referred to the minutes alluded to in the Complaint, or to the proceedings of the Courts of Justice, which could only be attested by *viva voce* evidence, for which purpose Mr. Mackintosh attended in town, who was present in the Island during those transactions. Mr. Cottrell freely acknowledged that their Lordships never had thought of such a measure; and upon looking at the Letters with Mr. Sharp, it was confessed by all, that they lay in the same *supine* state in which they had been transmitted by Lord Hillsborough. Mr. Cotterell then said, That Lord Hillsborough had considered the matter, and given his opinion. Mr. George Johnstone replied, If Lord Hillsborough has given his opinion, that Governor Melvill should be sent back to Granada, it is very different from an opinion he formerly gave, which was, 'that he thought Mr. Melvill's conduct in his Government very unjustifiable in many respects.' Mr. George Johnstone further said, 'Gentlemen, you will take notice, that I deliver a message in the name of my brother, who is now ill and confined to his bed; that he is ready, upon the production of the Minutes of Council and Assembly, to make good the different charges against Governor Melvill which he has subscribed. I am very conscious what must be the fate of an Enquiry into a matter which seems already determined, even before it is examined

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examined into; but still my brother insists upon a public hearing, that the disgrace may fall upon those who merit it.' Whether the above conversation, or the meeting of Parliament, or what other motives operated which did not occur before the 8th January, is left to the reader to determine. The fact is, that next morning, Governor Melvill was formally ordered to answer the Charges exhibited against him.

Governor Melvill continued employed in preparing his Answers till the 6th February, during which time frequent application was made by Lieutenant Colonel Johnstone and Mr. William Mackintosh, for leave to inspect the minutes of Council and Assembly, which was always refused, under pretence that this leave could not regularly be granted, without an application to the Council Board. *After the cause was ordered for a hearing:* yet it appeared, at this hearing, that Mr. Melvill had free access to those Records during the whole of this time.

On the 6th of February, the aforesaid Mr. William Mackintosh, who was a Member of the Assembly, and a Justice of Peace in Granada, and an eye witness at most of the transactions complained of, and who could bring every circumstance home to Mr. Melvill, even according to the strictness of *common law proof*, found it necessary, on account of his private affairs, to leave town for a fortnight or three weeks.—Before he departed, he waited on Mr. Sharp, the Clerk of the Council, in company with Major Maclean, and stated to him the necessity of his leaving town, provided it was compatible with his appearance at the examination. He asked Mr. Sharp, If Mr. Melvill

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had given in his Answers, or when it was expected. Mr. Sharp said, he did not know that Mr. Melvill had given in his Answers, neither did he know when he would give in his Answers. But at any rate, Mr. Mackintosh might safely leave town for a fortnight or three weeks, as it was impossible the Council would give less time to Colonel Johnstone to reply, and to instruct his counsel, than they had given to Mr. Melvill to prepare his Answers.

Under this assurance Mr. Mackintosh left London the 6th. The same evening it would appear Mr. Melvill delivered in his Answers. On the 8th Lieutenant Colonel Johnstone received the following Note from Mr. Cotterell,

Copy of a NOTE from Mr. COTTERELL, Clerk of the Council, dated Council Office, Feb. 7th, 1770, informing Lieutenant Colonel Johnstone, that Governor Melvill had lodged his Answer to the Complaints against him.

‘ Whitehall, Council Office, Wednesday
‘ 7th Feb. 1770.

‘ MR. Cottrell presents his compliments to Colonel Johnstone, and acquaints him, that Governor Melvill, yesterday, lodged in the Council Office, his Answers to the Eight Articles of Complaint exhibited against him.’

Colonel Johnstone immediately applied at the Council Office, and requested to see the Answers, but was refused, until he applied in form to the Lord President.—On the same day he wrote to the Lord President.

Copy

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Copy of a LETTER sent to Lord GOWER, Feb. 8th,
1770.

London, 8th Feb. 1770.

My LORD,

I Have received information from your Lordship's Office, that an Answer has been lodged by Governor Melvill to the Articles of Complaint which were signed by me, and delivered to the Earl of Hillsborough against him: I am likewise informed, that it is a rule in the Office, never to allow the perusal of any papers, or copies of them to be delivered to any person, without an application to the Board, or to the Lord President, for an order. I therefore request, your Lordship will be pleased to order a Copy of Governor Melvill's Answer to be delivered to me, as the person who gave in the Charges against him.

I have the honour to be,

My Lord, your Lordship's

most obedient and most

humble servant,

ALEX. JOHNSTONE.

To the Right Honourable Earl Gower, President
of the Council.

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On the 17th, at 3 o'clock, Lieutenant Colonel Johnstone received the following Letter from Mr. Cotterell.

Mr. COTTEREL, Council Office, Feb. 16th, 1770.
transmitting a Copy of Governor Melvill's Answer, and notifying, that Hearing was ordered for Tuesday the 20th. Received 3 o'clock Afternoon of the 17th.

' Whitehall, Council Office, 16th Feb. 1770.

' S I R,

' I Transmit herewith to you, a Copy of Governor Melvill's Answer to the several Articles of Complaint exhibited against him, which was made out pursuant to your request, and has been ready since Monday last; and am at the same time to acquaint you, that the Lords of the Council have appointed to meet in the Council Chamber, at the Cockpit, Whitehall, on Tuesday next the 20th instant, at 10 o'clock in the forenoon, to take the said Complaints and Answer into consideration.

' I am,

' Sir,

' Your most obedient
' humble servant,

' STEPH. COTTRELL.'

The Lieutenant Colonel immediately sent the following memorial to Lord Gower.

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Copy of the MEMORIAL sent to Lord GOWER,
Feb. 17th, 1770, for longer time to prepare an
Answer for the Hearing.

‘ To the Right Honourable the Lord GOWER, Lord
‘ President of his Majesty’s Council.

‘ The MEMORIAL of Lieutenant Colonel Johnstone,

‘ HUMBLY SHEWETH,

‘ **T**HAT he did not receive the Answer lodged at
‘ the Council Office by Governor Melvil, to the
‘ Complaints delivered to the Earl of Hillsborough
‘ against him until this day, Saturday 17th February,
‘ near three o’clock.

‘ That by the long delay of Governor Melvill, in
‘ delivering in his Answers, a Gentleman (Mr. Mac-
‘ intosh) one of the principal evidences, found him-
‘ self obliged to go upon very pressing business to the
‘ country, for a fortnight or three weeks; but previ-
‘ ously to his going, he consulted with one of the
‘ Clerks of the Council, (Mr. Sharp) who was of
‘ opinion he could not be wanted in that time.

‘ That as Wednesday the 20th, at 10 o’clock in
‘ the forenoon, is fixed for the day of hearing the
‘ Complaints and Answers, the Memorialist refers it
‘ to Lord Gower’s consideration, if *three days* is not
‘ too short time to consider upon an Answer to a very
‘ long paper, that has taken Governor Melvil near
‘ two months in composing.

‘ Therefore requests the Hearing may be put off,
‘ for at least eight or ten days longer.’

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On the 18th he received another Letter from Mr. Cottrell, viz.

Mr. COTTRELL, Council Office, 17th Feb. 1770,
desiring to know what Papers are to be produced
by the Board of Trade.

Whitehall, Council Office, 17th Feb. 1770:

SIR,

I Trouble you with this, to desire you will be
pleased to transmit to me, as soon as possible, a
list of the several papers lying in the Secretary of
State's Office, which may be necessary to be laid
before the Lords of the Council, in support of the
several Articles of Complaint exhibited by you
against Governor Melvill, that the same may be
got ready against Tuesday next.

I am, Sir,

Your most obedient,

humble servant,

STEPH. COTTRELL.

ALEX. JOHNSTONE, Esq;

In Answer to which, Mr. Cottrell was desired to
bring the Minutes of Council and Assembly during
the whole time Mr. Melvill commanded.

Lieutenant Colonel Johnstone then wrote the fol-
lowing Card to Lord Gower.

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‘ Copy of a CARD sent to Lord GOWER, by Lieutenant Colonel JOHNSTONE, Feb. 18, 1770.

‘ **L**IEUTENANT Colonel Johnstone presents his compliments to Lord Gower. He did himself the honour of calling upon his Lordship this morning, to explain the equity of Colonel Johnstone’s request for putting off the hearing of Governor Melvill’s case for eight or ten days; especially as Mr. William Mackintosh, a principal evidence to authenticate some public papers, is now absent. Mr. Mackintosh delayed for several weeks his going out of town, though pressed by business of consequence, in expectation of the hearing coming on, by Mr. Melvill putting in his answer, which however did not happen for near two months after the articles of charge were delivered to Mr. Melvill; and Mr. Mackintosh, having at last waited upon Mr. Sharpe, one of the clerks of council, and acquainted him of the necessity he was under of going out of town, Mr. Sharpe assured him he was of opinion he might safely go on his private affairs for a fortnight, and that the trial could not be brought on before his return.

‘ Lieutenant Colonel Johnstone proposed also to have mentioned to his Lordship, that as it appeared by Mr. Melvill’s answer, that some very important constitutional points would occur to be discussed at the hearing of this case, he apprehended it would be proper to have the assistance of counsel, who could not be instructed without the delay of some days.

‘ Lieutenant

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‘ Lieutenant Colonel Johnstone will be ready to
‘ attend Lord Gower at any hour to-morrow morn-
‘ ing which his Lordship shall appoint upon this bu-
‘ siness, if any difficulty should occur to his Lordship,
‘ with respect to granting these requests.

‘ Sunday evening, Feb. 18th, 1770.’

The Lieutenant Colonel accordingly waited on Lord Gower the next morning at 12 o’clock, by desire of his Lordship, who acquainted the Lieutenant Colonel that as the hearing had been fixed for Tuesday, he could not as Lord President put it off, but that it must be done by an application to the whole board, when assembled.

Accordingly on Tuesday the 20th, the following petition was presented to the board, and Mr. Lee, the counsel at law, attended at the Cockpit.

Copy of the PETITION of ALEXANDER JOHNSTONE to the Lords of Privy Council, 20th of Feb. 1770.

‘ Unto the Right Honourable the Lords of his
‘ Majesty’s Privy Council.

‘ The humble Petition of Lieutenant Colonel
‘ Alexander Johnstone,

‘ SHEWETH,

‘ THAT your Petitioner gave in certain Articles
‘ of charge against Robert Melvill, Esq; to the
‘ Earl of Hillsborough, which were by him laid before
‘ your Lordships, and to which Mr. Melvill some
‘ days ago put in his answer: That the petitioner only
‘ received

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‘ received a copy thereof on Saturday last, with a summons to attend this honourable board this day.

‘ That a material witness, William Mackintosh, is absent, but daily expected; without whose evidence the Petitioner cannot safely proceed to make good his charge against the said Mr. Melvill.

‘ That the Petitioner also thinks it material to be heard by counsel, as many of the charges are of a publick and legal nature, and Mr. Melvill, in his answer, has put his defence chiefly upon points of law*.

‘ May it therefore please your Lordships to put off the hearing of this matter for eight or ten days, and to allow the Petitioner to be heard by counsel.

‘ ALEXANDER JOHNSTONE.’

In answer, Governor Melvill, and Lieutenant Colonel Johnstone were both called in before the Lords of Council. Their Lordships said they could not put off the hearing, as Governor Melvill HAD HIS DISPATCHES IN HIS POCKET, and that they would not admit counsel; but in case their Lordships were in doubt on any point of law, counsel might then be called. Lord Marchmont said, What can counsel tell us more than we know? They will tell us the Star Chamber is abolished, or that the stars are in the firmament.

In this manner, and in this disposition, did the committee of his Majesty's Council proceed to hear

* Alledging that most of the Articles of Complaint, admitting they are true, yet that they do not apply to him,

upon

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upon three days notice one of the most serious accusations which can be exhibited against a Governor in the Colonies; refusing to delay eight or ten days, for a material witness, *or to admit counsel upon application from the accuser*, though the counsel was then ready attending.

The Court was now opened for the admittance of all persons.—The Lords of Council who appeared were,

The Lord President

Right Hon. James Stewart Mackenzie

Lord Marchmont

Duke of Queensborough

Lord Kinnoul

Sir Gilbert Elliot

Lord Barrington

Lord Hillsborough

Lord Denbigh

Master of the Rolls,

} These three did not attend
the second day.

Colonel Johnstone was required to show by what authority he offered His complaint against Governor Melvill.—From among many other Letters the two following were read,

‘ To Lieut. Colonel ALEXANDER JOHNSONE,

‘ S I R,

‘ WE refer you to the Letters wrote you by
‘ order of the House by the Committee of Cor-
‘ respondence during the last sessions; and we have
‘ now to acquaint you that we are ordered by the
‘ House to correspond with you upon the very unhappy
‘ state of this island: We shall not say we are tore by
‘ factions,

‘ factions, for we cannot call by that name *a few*
 ‘ *headed by the Commander in Chief*, most of whom
 ‘ have no property in this island, nor no dependance
 ‘ but upon his favour.

‘ The last Committee of Correspondence acquainted
 ‘ you that the House had committed Mr. Robertson
 ‘ to the common jail for contempt, he having refused
 ‘ to ask pardon of the House for a breach of privilege,
 ‘ while he acted as Returning Officer at the election
 ‘ for the town of St. George’s; that very night he was
 ‘ set at liberty by Mr. Maxwell and Mr. Turner, two
 ‘ Assistant Judges, and before the Assembly could
 ‘ again meet, they were prorogued until the 12th of
 ‘ March. The Council determined to keep no mea-
 ‘ sures with the Assembly, met the 11th and 15th of
 ‘ January, assuming to themselves a power of sitting by
 ‘ themselves with the consent of the Governor, though
 ‘ the Assembly stood prorogued, and published the most
 ‘ false, scurrilous, and abusive Minutes concerning
 ‘ the proceedings of the Assembly, and which would
 ‘ have been highly indecent had they been levelled
 ‘ against the most inconsiderable body of men, or even
 ‘ an individual,

‘ The Assembly met agreeable to the prorogation,
 ‘ and, although justly incensed at the proceedings of
 ‘ the Council, cautiously avoided entering into that
 ‘ matter until Mr. Proudfoot, Mr. Mackintosh and
 ‘ Mr. Burrio had taken their seats; none of these
 ‘ gentlemen were present during the proceedings
 ‘ against Robertson, and it was hoped that they would
 ‘ be esteemed more proper judges of the satisfaction the
 ‘ Assembly ought to require, than those who had been
 ‘ personally

‘ personally insulted; besides, the first of these Gentlemen, who has more property in this island than any in the Council, had formerly been a Member of that body, but had resigned his seat. The second had been in every Assembly that has been yet held.

‘ We shall not trouble you with the proceedings of this House since our last meeting, as we send you inclosed, by order of the House, our Minutes, so far as they are published, also an authenticated copy of an Address to his Majesty, which his Excellency was desired to transmit. We must desire that you would take care that this Address shall be delivered, if unfortunately the Original to be transmitted by his Excellency shall be lost. We submit to you whether it will not be proper to publish the Address to his Majesty in the London Gazette, after presenting it, and also to publish in all the London papers the Minutes of the Council of the 11th and 15th, together with the Resolutions of the Assembly upon those Minutes. We think this is necessary for our justification, as we have reason to think that the Governor and his party have taken the advantage of our Prorogation to misrepresent our proceedings. We also submit to you whether it may not be proper to lay what we now communicate to you before the Granada Club, several of whose Members we are informed are men of the first property, deeply interested in the island, and much concerned for its welfare; their weight and influence may have the best effects to enable us to remove those who have nothing to support them but his Majesty’s Authority, employed *for the worst purposes*.

‘ The

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‘ The House of Assembly, still willing to shew an
‘ example of moderation, brought Mr. Robertson
‘ before them the 19th inst. and previous to his coming
‘ agreed, and he was told accordingly, that if he
‘ would ask pardon of the House the affair should be
‘ dropt. He affected to answer evasively, but when
‘ he was ordered to answer explicitly whether he
‘ had asked pardon or not, he obstinately refused to
‘ answer Yes or No, continually repeating his former
‘ evasive answer; upon this he was again sent to the
‘ common jail. The House was no sooner broke up
‘ than he was set at liberty *by his Excellency*. You
‘ will please to observe, although the Governor is
‘ Chancellor of this Island by his Commission, yet,
‘ by an Act passed here, to which he has given his
‘ assent, the Court of Chancery consists of four
‘ Members of the Council and himself; and conse-
‘ quently admitting for a moment that the Assembly
‘ were ever so wrong, and that a Chancellor, who is
‘ part of the *three estates*, or a Chief Justice, who is
‘ inferior, may from their private authority discharge
‘ a prisoner committed by a House of Assembly, yet
‘ as he cannot by law hold a Court of Chancery by
‘ himself, there is the height of impropriety in his
‘ taking upon him to discharge a prisoner committed
‘ by any warrant whatsoever.

‘ On the Monday following the Assembly again
‘ met, and willing still to show their moderation, they
‘ began by taking into their consideration a very neces-
‘ sary Bill, recommended first by the Grand Jury, and
‘ afterwards by his Excellency, for the more speedy
‘ and effectual suppressing runaway slaves, which they
‘ had made some progress in, when they received a
‘ message

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‘ message from the General, recommending the im-
 ‘ mediate passing of this Bill. Some time after this
 ‘ a Member moved that the Provost Marshal should
 ‘ be sent for, to enquire of him what had become of
 ‘ his prisoner, who appearing, declared that he had
 ‘ been set at liberty by the General, and at the same
 ‘ time delivered us a message from the General,
 ‘ whereby we were adjourned till the 25th; and it is
 ‘ very remarkable that only *one hour* intervened be-
 ‘ twixt the two messages sent by his Excellency.
 ‘ This is the unhappy situation of things at present,
 ‘ which must end in the ruin of the Island, unless
 ‘ some effectual stop is put to such illegal, arbitrary,
 ‘ and unjust proceedings.

‘ We are with great regard, Sir,

‘ Your most obedient, and

‘ Granada,

‘ very humble servants,

‘ March 22, 1768.

‘ ALEXANDER WINNIETT, Speaker.

‘ By order of the Committee.

‘ A. J. ALEXANDER, Chairman.’

Copy of another LETTER to Lieut. Colonel ALEX-
 ANDER JOHNSTONE, which was read before the
 Committee of Council.

‘ S I R,

‘ **Y**OUR friends have undoubtedly informed you
 ‘ that you was elected to represent the quarter of
 ‘ St. David’s in the Assembly for this Colony, and it
 ‘ gives me great pleasure to inform you that I am in-
 ‘ structed *by the House to correspond with you* and the
 ‘ Agent Mr. Maitland, with the advice of a Committee
 ‘ of five Members, who have been appointed for that
 ‘ purpose.’

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‘ purpose ; but as the Committee have reason to think
 ‘ that Mr. Maitland has interfered in *that very scanda-*
 ‘ *lous prosecution that was carried on against you*, they
 ‘ choose to decline any further correspondence with
 ‘ him until that point is cleared up, only to shew
 ‘ their disapprobation of some Acts which passed last
 ‘ Assembly, and of those violent measures carried on
 ‘ against you by certain Justices of the Peace. I send
 ‘ you inclosed a Copy of our Letter to him, and we
 ‘ must desire you would immediately acquaint us
 ‘ whether he has been any way officious in your
 ‘ affair, that the House may determine what may be
 ‘ proper to be done with regard to him. In the mean
 ‘ time we expect from your *property* in this Island,
 ‘ from your zeal for the happiness and the liberties of
 ‘ this Colony, that you will readily join us, as a
 ‘ Member, to vindicate our privileges, which have
 ‘ been most unjustly and most violently attacked ; and
 ‘ that you may be the better enabled to do so, I shall
 ‘ give you an account of the very extraordinary pro-
 ‘ ceedings of the Council.

‘ Most people were sensible that the last Assembly
 ‘ were rather hasty in many of the Bills they passed,
 ‘ particularly an Act “ for establishing a Militia for
 ‘ “ the defence of this Island †,” and an Act for de-
 ‘ claring “ the several articles Martial Law shall
 ‘ “ consist of ;” and were rather profuse in the disposal
 ‘ of the Public Money ; and they were fully deter-
 ‘ mined, by having less complaisance for the recom-
 ‘ mendation of great men, to make such a choice at

† This Act has since been repealed, as well as most of the other laws,
 they having been declared by the Report of the Board of Trade, to be the
 most sanguinary that ever came before them.

‘ the ensuing elections of men of property and character they knew as would insure more care in what Bills were passed, and less profusion in the disposal of the Public Money.

‘ The election for the town of St. George came on first, when Mr. John Baptist de Monchy was set up as a Candidate by some persons duly qualified to vote; Mr. Robertson, Returning Officer, asked him if he was a Roman Catholic, which he refused to answer, saying he had no right to put the question to him, but that he did not present himself a candidate as a Roman Catholic, but as a new subject. Mr. Robertson absolutely refused to take the votes for Mr. De Monchy, whereupon Mr. Cazeaud, as attorney for De Monchy, began to read a protest; Mr. Robertson asked him if he was qualified to vote at that election, and upon being answered in the negative, he told him he had no right to say a word there; upon this Mr. De Monchy took the paper and began to read it, and upon being stopped several times left it on the table, Mr. Robertson and one John Nethercot, a Justice of Peace, frequently calling for the Constables, and ordering Mr. Cazeaud and De Monchy to be taken into custody and turned out of doors, contrary to the liberty of elections and the privileges of Assembly. Mr. Robertson, not satisfied with this, in place of applying to the Assembly, *highly contrary to our privileges*, writes a Letter to his Excellency General Melvill, complaining of the proceeding of De Monchy and Cazeau, in this manner wanting to bring before another branch of the Legislature the proceeding that happened at an election. Soon after a most
‘ *infamous*

' infamous Memorial or Petition was most indus-
 ' triously handed about for subscriptions, tending to
 ' alienate the minds of his Majesty's old subjects from
 ' those newly adopted, and clearly with a view to
 ' intimidate the new subjects from voting at elections.
 ' This Memorial was addressed to the General and
 ' Council—you have herewith a Copy of it. The
 ' Council appointed a Committee, who summoned
 ' Mr. Cazeau and De Monchy to appear before them ;
 ' Mr. Cazeau answered, that his business prevented
 ' his being able to wait upon them ; the messenger
 ' could not find de Monchy. The Committee of
 ' Council upon this issued their warrant to take
 ' Cazeau into custody, which was accordingly exe-
 ' cuted ; and when he was brought before them they
 ' were going to question him, when he told them that
 ' he had advised with Counsel, and that they had
 ' advised him to answer no questions, upon which he
 ' was kept three days in jail for contempt, after
 ' which he thought proper to sign an apology of a
 ' very extraordinary nature, dictated by the Council ;
 ' it was published in many successive Gazettes, and I
 ' here send you one of them for your perusal. Mr.
 ' Cazeau was liberated, and ordered to appear ano-
 ' ther day, but did not, and is supposed to have sailed
 ' for Europe. Soon after, the whole Signers of the
 ' Protest that was taken at the election of the town of
 ' St. George were summoned to appear before the Com-
 ' mittee of the Council ; they appeared, and were ille-
 ' gally bound over under exorbitant sureties to appear
 ' at the Quarter Sessions. Some time after this the As-
 ' sembly met ; application was made to his Excellency
 ' to desire he would lay before the House a Memorial
 ' presented to him and the Council of several of the

‘ Old Subjects against the New, relating to something
 ‘ that happened at the election for the town of St. George,
 ‘ together with all papers relating to that election, which
 ‘ had been presented to him ; he accordingly ordered
 ‘ a Copy of it to be sent us, together with a Copy of
 ‘ a Letter from W. Robertson, Esq; and a Copy of
 ‘ the Protest taken by some of the new subjects at
 ‘ that election. The House were astonished to find
 ‘ this Memorial signed by above two hundred, mostly
 ‘ of the *lowest* of the populace, *Merchants Clerks,*
 ‘ *sailors, and indented servants,* few of them of the
 ‘ rank of managers of estates. The House imme-
 ‘ diately appointed a Committee of Privileges and
 ‘ Elections, with liberty to send for persons, papers,
 ‘ and records, justly sensible that this Memorial could
 ‘ never take its rise from the subscribers, but that
 ‘ they must have been set on by some of higher rank,
 ‘ who had particular reasons for not appearing. And
 ‘ accordingly it was proved by the declaration of
 ‘ Moritz Hartman, Taylor, and Harry Munro, Clerk,
 ‘ (who by the by prevaricated very grossly) that he,
 ‘ Harry Munro, received the Memorial *from Mr.*
 ‘ *Simpson, the General's Secretary,* and was desired
 ‘ by him to carry it about for subscriptions ; that he
 ‘ made use of *his* name to prevail on people to sign it,
 ‘ and even used threats in Mr. Simpson's name for
 ‘ that purpose.

‘ In the mean time a petition was presented by
 ‘ Mr. Devoconu, and Lamolie, complaining that
 ‘ being duly qualified to vote at the election for the
 ‘ town of St. George, they offered to vote for De
 ‘ Monchy, but were refused by W. Robertson, Esq;
 ‘ the Returning Officer. The Committee made some
 ‘ enquiry into it, and they reported to the House that
 ‘ they

they were of opinion that Mr. Robertson was guilty of a high breach of privilege. Mr. Robertson was ordered to attend the House, and was allowed counsel; three days were spent in hearing evidences on both sides; and it appearing clearly that Mr. Robertson had refused to take the votes for Mr. De Monchy, that he had ordered Mr. Cazeau, and Mr. De Monchy, to be taken into custody and turned out of doors, and that he had applied to the Governor, in a matter of election; and it appearing also, during the course of the evidence, that John Nethercot had behaved in a very arbitrary and oppressive manner at that election, in the capacity of a Justice of Peace, he was also ordered to attend and allowed counsel. The house came to several resolutions, in order to insure the future freedom of elections, which you will see by the inclosed Gazette. As this was what was almost solely aimed at, the House came to a very moderate resolution with regard to Mr. Robertson and Nethercot, that they should be taken into custody, brought to the bar, and there acknowledge their fault, and beg pardon of the House. This sentence they most insolently refused to comply with. They were immediately ordered to be sent to the common jail, to remain until they should give satisfaction to the House for the breach of privilege, and submit to their sentence. The House, contrary to their custom of sitting only until 2 o'clock *, sat that day until 8 at night, in order to give the prisoners time to reflect and obtain their liberty; but no apology appearing, the House was that day adjourned for the Christmas holidays, until the 13th, but that night Mr. Robertson and

* In the hot countries, business is generally done in the morning.

‘ Nethercot, were brought before Mr. Turner and
 ‘ Mr. Maxwell, two of the assistant judges and mem-
 ‘ bers of the Council, by a writ of habeas corpus,
 ‘ and set at liberty, in the most open contempt and
 ‘ violation of the privileges of the house. In this
 ‘ situation things stand; but I am convinced the
 ‘ House is fully determined *to raise no money* until they
 ‘ get ample satisfaction for this fresh insult: in the
 ‘ mean time, *agreeable to the order of the House*, I
 ‘ have acquainted you fully with every thing that
 ‘ has happened, and I am convinced, from your known
 ‘ zeal for the good of the Colony, from the duty you
 ‘ owe to the assembly of Granada, as a member of
 ‘ it, you will do every thing in your power to vin-
 ‘ dicate our privileges by representing the whole affair
 ‘ to his Majesty and his Ministers, and in obtaining
 ‘ such redress as is becoming the dignity of the House
 ‘ of Assembly, and shall insure the freedom of elections,
 ‘ I need hardly mention to you the necessity of leaving
 ‘ no power whatever with the Returning Officer to
 ‘ judge of the qualifications of a Candidate, as the Re-
 ‘ turning Officer in this Island is always named by the
 ‘ General, and they are always Counsellors, if there
 ‘ happens to be any in the quarter. And accordingly
 ‘ the Act for Election leaves the Returning Officer no
 ‘ power, but declares expressly that all questions
 ‘ concerning Elections shall *only* be cognizable by the
 ‘ Assembly. I need hardly mention to you that
 ‘ there is the greatest impropriety in the Council, who
 ‘ are a separate branch of the Legislature, taking cog-
 ‘ nizance of any thing relating to Elections for
 ‘ Members to serve in the Assembly, or their being
 ‘ Returning Officers; and still more in assistant
 ‘ Judges (Members of the Council) releasing prisoners
 ‘ committed

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committed for contempt during a simple adjournment, of which they can show no instance or precedent since our happy constitution was fixed.

We must desire also, that if the Acts abovenamed have not obtained the Royal Assent, that you will make all the opposition to them in your power, as we find they are extremely disagreeable to our Constituents; and indeed there will be no possibility of taking care of our estates, if all the White People are frequently taken away from them to attend the Exercise, to be subject to the very severe discipline and punishments, and many other hardships, which you will see particularly mentioned in the Act. As these things affect you equally with the whole Island, I make no doubt but you will give all the opposition to them in your power. I send you the Acts, that you may be the better enabled to judge of them,

I am most sincerely,

Sir,

Your most obedient,
humble servant,

Granada,
Jan. 8, 1768.

ALEX. WINNIETT, Speaker.

By order of the Committee,

A. J. ALEXANDER, Chairman.

The Committee of Council having now declared themselves satisfied with Colonel Johnstone's authority to exhibit the complaint, the different charges were then read article by article, together with the answer and reply as printed in the sequel. Colonel Johnstone was, at the end of each Article, desired to produce his proof. The Colonel called for the different minutes of

the Council and Assembly, as referred to in the margin opposite to each article. To his infinite surprize the principal minutes were not to be found. For instance, the minutes of Council of the 25th of July, 1767, are lost or secreted, also those of the 6th of August; both of which prove the case of Lieutenant Ross: If indeed any proof can be wanting, to support this charge, after Governor Melvill's confession in his own answer.

The minutes of the 20th and 30th of November 1767 are wanting, and also the minutes of the 4th of December, which brings the case of Mr. Cazaud, directly to the Governor. In short, though it appears by those minutes which remain, that the Council adjourned on the 18th of November, to Friday the 20th, *yet there are no minutes to be found between the 18th of November, and the second of December,* though the Council, or a committee of the Council, were sitting during most of that time, as appears by a memorial of the Council of the 15th of April, article II.—between the 3d and the 5th of December, the minutes of the 4th are wanting. Governor Melvill was affected to the highest degree of *agony* upon the enquiry which was made after this minute, because the book had been intrusted with him. He said it was in another book. Upon being pressed to tell what book, he could give no satisfactory account: He said he was willing to admit the whole of the charge; but their Lordships would not receive his own confession, and the minute could not be found.

The minutes of Council of the 29th of April 1768, in the case of Augustine, are also wanting. It appears
by

by the minutes of the 28th of April, that the Council were adjourned *sine Die*.

The minutes of Assembly and the act giving freedom to Augustine show that this transaction happened on the 29th of April, and took its rise in the Council; from whence it appears that the Governor must have called the Council together on purpose to pass this extraordinary act in that precipitant manner, which fixes it on himself.

So many public documents being wanting, and those particularly relative to the subjects in dispute, upon the hearing of the 21st (the second day) Colonel Johnstone was advised to read and deliver in the following paper.

‘ Although the minute of the 2d of December sufficiently proves the complaint in the case of Mr. Cazaud, yet it appears to me that great aggravations are contained in the minutes of the 4th of December 1767, made by the Council or a committee of Council, in the presence of the Governor, which minutes are a mockery on government of any kind.

‘ These minutes are not inserted in the book now produced, with the other minutes of the 3d and 5th of December; they are omitted, lost, or suppressed.

‘ An evident void appears, because there is no adjournment from the third to the fifth of December,

‘ Mr.

‘ Mr. Melvill does not deny that the council sat
‘ on that day, he said these minutes are *in another*
‘ *book* ; I beg that this other book may be produced,
‘ and that the minutes may be read ; perhaps the other
‘ minutes that are wanting may be found in this other
‘ book. As it is Mr. Melvill’s duty to inspect the
‘ minutes of the Council, when sitting as a board of
‘ state and advice, whatever passes there, and is car-
‘ ried into execution, becomes his own immediate
‘ act.

‘ It is likewise his duty to transmit the several
‘ minutes to Britain.

‘ If those of the 29th of April 1768, and 27th of
‘ July, 6th of August, 20th of November, 30th of No-
‘ vember, and 4th of December 1767, which apply im-
‘ mediately to the charges, are wanting, the fault must
‘ lie somewhere, and it is worthy of your Lordships
‘ to enquire, otherwise the impartial world will form
‘ their suspicions.

‘ What I presume to offer to your Lordships is, that
‘ I may be permitted to read the copies of part of
‘ those minutes, as stated in a case which was laid
‘ before Council, since the originals are wanting.
‘ Or if it is alledged that the originals were never sent
‘ home, then that this neglect in Mr. Melvill may
‘ be sufficient to induce your Lordships to postpone
‘ the enquiry for eight or ten days, till Mr. Mack-
‘intosh returns, who can prove the copies in my hand
‘ to be truly extracted.’

Before

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Before the Colonel had read to the end of the above paper, he was stoppt and told, that it was his duty to have had all his proofs ready at the time he delivered in his charges. Colonel Johnstone said he was ready for two months, and that Mr. Mackintosh had stayed attending for that purpose, nor did he leave town without notice at the office; but that he never could have suspected that the public documents of the Colony should have been wanting, and that the fault should now be imputed to him.

Colonel Johnstone then proposed to read the minutes of the assembly, and the resolutions which had been come to by the representatives of the people in consequence of the evidence taken upon the examination into those facts; but this was likewise refused.

The last proposition which Colonel Johnstone made was to be permitted to state the facts to Governor Melvill, (since they were notorious) and to allow the Governor to admit or deny them, in the face of the audience, as he thought proper; but this was equally rejected by the Lords of the Council.

The examination from thence forward was conducted by reading the Charges, the Answer, and the Reply, together with those papers in the Appendix, which are marked as having been permitted to have been read.

In half an hour after the close of the examination, and before any report could have been made to the King, Governor Melvill set off, with his dispatches,
for

for Plymouth to embark for Granada, which sufficiently shows that this matter had been pre-determined.

Whether there is sufficient evidence to be collected from the different papers which were read, and the other extraordinary circumstances attending this examination, to acquit or condemn Mr. Melvil, must be referred to the judgment of the reader, after premising a few words for the information of those who may be ignorant of the nature of that species of proof which is required by the proceedings of the courts of Justice in this kingdom.

In all trials for penal offences, the law of this country is so extremely tender of the reputation of the subject, and so averse to discretionary power, that the best possible evidence is required.—No notoriety of any fact, however so generally known, can intitle it to be admitted.—Every thing must be proved.—An example of this kind may explain the rule better than many words.—

A person near Carlisle was prosecuted at the assizes held there in 1769, upon the act for preventing bribery at elections for Members to serve in Parliament.—It was alledged, among many other particulars in the *declaration*, that John Elliot and George Johnstone were candidates to represent that city.

They had both canvassed the town for six months, and had stood on the *hustings* for eight days during the election, bowing to every voter who was so obliging as to poll for them.

Yet

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Yet Sir F. N. the Counsel for the Defendant, desired that this part of the *declaration*, wherein it was asserted that those two Gentlemen were candidates, might be proved.—A numerous audience standing round, were amazed and confounded, and every one was ready to swear to the truth of the allegation.—
 ‘ Hold, hold! (says the *learned Counsel*) this will not
 ‘ do; you must produce the best possible evidence,
 ‘ and that is the original poll;” the production of
 which could not be compelled, because the plaintiff had not served any notice on the Mayor.

In like manner, it was asked by one of the Lords of the Committee of the Council, Whether Colonel Johnstone had the *original* warrant in the case of Monsieur Cazaud. It was answered, That he had only a copy of the warrant, which was the best evidence that the nature of the case afforded; but this was not allowed as sufficient evidence to affect Mr. Melvill, notwithstanding the minutes of the Council declare *that he was present*.

It is upon such points as these, that the Right Honourable the Lords of the Committee of his Majesty’s Council determined, that the different Articles of Charge against Mr. Melvill were not proved.

But it is contended, on the part of the Inhabitants of Granada, that those strict rules of evidence cannot, by any just rules of policy, be applied to govern the conduct, or determine the opinion of a Board of Enquiry, such as this, not acting in a judicial capacity; and it is further said, that Colonel

Johnstone had a right to claim the rule of Civil Law, which leaves every presumption against those who suppress, secrete, or destroy any paper or document.

It is further insisted, That *three* days notice of trial, from the time Colonel Johnstone received the Answers of Governor Melvill, was unreasonably short.

3dly, It is also alledged, upon a due consideration of all the circumstances under which Mr. Mackintosh left town, that it was unjust to refuse a delay of eight or ten days till he returned.

And, lastly, it is maintained, That the refusing to allow Colonel Johnstone to be heard by his Counsel, is not to be vindicated on any pretence.

Upon the whole, it is submitted to the opinion of the public, even allowing the Right Honourable the Lords of the Committee of his Majesty's Council may have acted according to the best of their *discretion and cunning*, upon this occasion,—whether it is possible to imagine that their conduct can tend to promote the honour of the King, or the good of the public? which are equally parts of their oath.

TO THE RIGHT HONOURABLE
THE EARL OF HILLSBOROUGH;
HIS MAJESTY'S SECRETARY OF
STATE FOR THE COLONIES.

Articles of charge against ROBERT MEL-
VILL, *Esq. Governor and Commander in*
chief of his Majesty's Southern CARRIBEE
ISLANDS.

I.

THAT the said Robert Melvill did
summons and call together his Ma-
jesty's Council of the Island of Grenada,
and *did direct and permit them to sit in a*
legislative capacity on the 15th January 1768,
notwithstanding that the Assembly of the
Island was then *prorogued by him, the Go-*
vernor; and further allowed the said Coun-
cil, thus unconstitutionally convened, to
pass and publish several resolutions reflecting
on the representatives of the people, and
destructive of the publick peace, conceived
in language unbecoming a Board styling
themselves his Majesty's Council.

B

PROOF.

Minutes of
Council, 11th
and 15th Jan.
1768.

II.

PROOF.

Minutes of
Council, 19,
20, and 30th
November,
2, 4, and 14th
Dec. 1767.

That the said Robert Melvill did permit and encourage the aforesaid Council, unconstitutionally sitting in a legislative capacity, while the Assembly was dissolved, to call before them several of the inhabitants of his Majesty's Colony of Grenada contrary to law, and to commit them to custody, and to prison; particularly Mr. Cazaud, a gentleman of fortune and credit, under the pretence of his having been guilty of a contempt of the said Council Board, the warrant for whose commitment was actually signed by the different Councillors, in the presence of him the Governor. That no lawyer was permitted to plead in the defence of the said Mr. Cazaud, though desired by him, and though he was ignorant of the English language; nor was he permitted to be bailed or removed from the most loathsome prison, until he had signed such declarations, as the said illegal convention had dictated.

III.

The fact confessed by Mr. Melvill in his Answer, though he disclaims the consequences—of this, the world must judge.

That the said Robert Melvill did take upon himself to release Walter Robertson, a person committed by the Assembly for a breach of their privileges, thereby overthrowing the whole authority of that branch of the legislature.

IV.

That the said Robert Melvill did promote the passing of a Bill in *two hours*, through both houses, entituled, "A Bill to free *Augustine*, a Negro Man-slave, belonging to Monf. Couston, of the parish of St. John's in the Island of Grenada:" Notwithstanding the dissent of the owner of the said slave to this transaction, and notwithstanding the King's instructions, requiring a proper time to be given in the passing of all Bills which may affect private property, and notwithstanding the standing rules of the house of Assembly against such proceedings, and notwithstanding the said Augustine was then publicly accused of having committed a rape on a white woman, and of having murdered Mr. Vandell, and of other atrocious crimes, to screen him from the punishment due to which, was the intent of so extraordinary a law, since thereby negro evidence (from his becoming a freeman) was inadmissible against him according to the laws of the Island: and further, the said Robert Melvill, to screen the aforesaid Augustine, did harbour him for several months at his house nigh St. George's, until he was presented by the Grand Jury for the aforesaid crimes, and a warrant was issued in consequence thereof to apprehend him, the effect of which warrant was disappointed, and he allowed to make his escape.

PROOF.

Minutes of
the Council,
and the As-
sembly of 29
April, 1768.

Copy of his
Majesty's in-
struction, and
the standing
rule of the
house.

Presentment
of the Grand
Jury, 10th
March, 1768.

PROOF.

Confessed by
Mr. Melvill
in his An-
swer, that
the torture
was used.
Chancelle-
rie's trial and
acquittal.
Governor
Melvill's sub-
sequent letter
to Lord Shel-
burn, ac-
knowledging
the innocence
of the con-
demned ne-
groes, and
soliciting par-
don for those
who survived.

That the said Robert Melvill did permit John Graham, Peter Gordon, and other justices of the peace, of the Island of Grenada, to use the severest and most cruel tortures upon the bodies of five negroes, suspected of committing murder, and this with a view to induce them to confess the said crime, and to accuse their master, Monf. La Chancellerie; which accusation, after repeated tortures, was actually extorted from them, and the said La Chancellerie was thereupon apprehended and imprisoned, and they the said negroes condemned to death upon their own confession thus extorted; which sentence would probably have been executed upon the said negroes, if the most respectable inhabitants of the colony had not remonstrated against such illegal and unnatural proceedings, which occasioned a delay of their execution until the matter was represented to the King's ministers, who ordered the prisoners to be liberated, nevertheless three had died from the injuries they had received from the torture, together with their long confinement before the said order arrived; notwithstanding which the said justices were still continued by the said Robert Melvill in the commission of the peace.

VI.

That the said Robert Melvill did order Lieutenant Thomas Ross, of the royal Artillery, to be taken into the custody of the deputy Provost Marshall, without any legal crime having been alledged against him, and without any authority in the said Governor to vindicate such cruel proceedings, but on the contrary in direct violation of his Majesty's instructions: and further, that the said Robert Melvill did direct and countenance the most unjust, cruel, and illegal prosecution against the said Lieutenant Ross, where the persons whom he was supposed to have offended, sat as his judges.

PROOF.

Minutes of
Council, the
25, 26, and
27 July, and
6th of August,
1767.

Copy of his
Majesty's in-
structions.

VII.

That the said Robert Melvill did promote, by the means of his private Secretary Mr. Alexander Sympson, the most injurious petition on the subject of religion from the meanest of the inhabitants of Grenada, against the most respectable of the inhabitants under false pretences, having thereby sown irreconcilable divisions between his Majesty's new and old subjects.

Minutes of **##**
examination
taken before
the Assembly.
Also the peti-
tion 17th
March.

VIII.

That the said Robert Melvill, forgetting his duty as Governor, and chief Magistrate, did take upon him to write sundry letters

Confessed by
Governor
Melvill in his
Answer.

to the justices of the peace, directing them in their decisions in their judicial capacities, and particularly a letter of the 27th of April, 1767, directed to the most worshipful Bench of justices, and which was read in open court.

From all which it appears that the said Governor, Robert Melvill, has been guilty of fundry illegal, grievous, cruel, oppressive and unjust acts towards his Majesty's subjects, contrary to the known laws of the land, and derogatory to the high trust committed to him by his Majesty's commission and instructions,

* London, 31 January, 1770.

TO THE RIGHT HONOURABLE
THE LORDS OF THE COMMITTEE
OF HIS MAJESTY'S MOST HO-
NOURABLE PRIVY COUNCIL.

May it please your LORDSHIPS,

IN obedience to your Lordships com-
mands, signified to Robert Melvill Esq.
Governor and Commander in chief of his
Majesty's Southern Carribbe or Grenada
Islands, by your Lordships order, dated the
10th of this instant January; "requiring
" him forthwith to answer the eight arti-
" cles of complaint, exhibited against him
" by Alexander Johnstone Esquire, named
" in the order Colonel Alexander Johnstone,
" and of which articles there was a copy
" sent annexed to the said order"—

The said Robert Melvill begs leave to
represent to your Lordships—

That it appears somewhat extraordinary,

* If the Answers were given in the 31st of January,
there is something still more extraordinary in the man-
ner of Mr. Melvill's acquittal; as Mr. Mackintosh,
the principal evidence, to bring the charges fully
home to Mr. Melvill, according to the strictness of
common law proof, waited on Mr. Sharp the clerk of
the Council, on the 6th of February, before he left
town, stating how long he had stayed, and the neces-
sity of his *absence*; who declared he knew of no answer
given in by Mr. Melvill at that time, and that he thought
Mr. Mackintosh might safely be absent for three weeks,
as the Council would undoubtedly give that time to
Colonel Johnstone to make his observations in reply.

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that the exhibiting of a set of accusations of this nature, under the title of Complaints, should have been delayed for above a year after the said Governor's arrival, although he has resided almost the whole time in London, and has openly and repeatedly declared himself in readiness to answer privately or publicly, the complaints of any one man or any body of men, who could pretend to have been aggrieved by him in his government, which from some vague reports, and wretched publications of injurious falsehoods, he had indeed reason to believe might be the sense of a few dissatisfied persons concerned in the *single* Island of Grenada, which next to the gracious approbation of his Sovereign, and the good opinion of honest and judicious men, he must ever esteem his greatest honour.

But it is still more extraordinary, that these accusations should have been *pushed* against the said Governor, when not only the nearness of his departure on his return to the said government was so publicly known, but that it was almost equally notorious, that his baggage had been already embarked, and a passage for himself and family engaged, in a ship ready to fall down the river, and proceed to Portsmouth, where the Governor had declared his intention to go on board, after making a short stay at Bath, *judged to be very necessary for*
his

INTRODUCTION.

his health; but of which he has been so unexpectedly disappointed*.

That notwithstanding the very distressing inconvenience thus thrown upon Governor Melvill, it does appear (and could be proved upon oath were it necessary) that these or similar accusations, being the result of many dark intrigues, workings, and correspondences between the accuser and his associates here and in Grenada, have been many months ago industriously communicated by him to sundry other gentlemen interested in that Island, in order to prejudice them against the administration of the said Governor, and to excite them to petition against his return to his government. Yet were these communications always made with such restrictions and *management*, as to prevent the Governor from having any copy, or a sufficient knowledge of such unfair and invidious allegations†; which however had not all the effect aimed at by

* The charges were given in the 11th November, and repeated the 1st December, but the Governor was not desired to answer, till the meeting of Parliament, on the 9th January.

† This is mere pretence. Governor Melvill often saw, and read, and discussed the different Articles with his friends; they could then be no secret, and they are in themselves so very short, that any man interested in these transactions, must be able to retain them in his memory by once reading.

the

INTRODUCTION.

Copy of the
memorial
produced.
No. I.

the accuser, as at the last no more than eight particular persons added to himself, which hardly amounted to one eighth part of the gentlemen concerned in Grenada and Carriacow residing in Great Britain, and those too *declared to be his party*, could be prevailed on to join in an application so just, and honourable.

That further, these articles of accusation, so bounteously accumulated and candidly charged against the Governor, are in fact no other than so many arraignments of his Majesty's Council, a house of Assembly, the judges and justices of the peace, under the various pretences of their being permitted, encouraged, or directed by the said Governor.

That these articles of complaint or accusation, are signed by one individual *only*, viz. the said Alexander Johnstone, for his most violent associates chose to decline it, and he too neither pretending to make any complaint for any personal injury received by himself, nor shewing any due *authority* for his exhibiting any complaints for others *. And lastly, that the said articles were addressed and preferred to the Earl of Hillsborough, his Majesty's Secretary of State

* His authority is from the Assembly of the island, as may be seen by their letters in the Appendix,

INTRODUCTION.

for the colonies *, notwithstanding his Lordship had previously signified to the said accuser, on returning to him these articles, which had been delivered unsigned, that they ought to be “ addressed as a petition “ to his Majesty in Council, and signed “ by somebody who made themselves responsible to prove them.” But *that* regular and proper method was purposely avoided, as the *object* was only to get the said Governor removed from his government, to the great detriment of his fortune and character, but without any risk or charges to the accuser, and the worthy abettors of that just and laudable scheme. For the truth and justness of which observations, the Governor begs leave to refer your Lordships to the letter of the said Alexander Johnstone, of the 1st of December, which accompanied these articles, and is lodged its presumed in the Council office,

Copy produced.
No. II.

That it is therefore submitted, whether such articles of accusation, and exhibited under such peculiar circumstances, as well unsupported by any evidence whatever, are *just, legal, or competent*; but Governor

* The Secretary of State for the colonies, is the proper regular channel; but Lord Hillsborough endeavoured to suppress the accusations by every disingenuous method, at the same time publicly declaring, he thought Governor Melvill unfit to be sent back.

Melvill,

INTRODUCTION.

Melvill, in obedience to your Lordships abovesaid order, and in the fullest reliance on the great discernment and justice of your Lordships, does now proceed to give his particular answers, which notwithstanding the disadvantages of his present hurried situation, and the want of some papers, as well as the remoteness of many persons, who could have given light and assistance on publick points so long past, yet he flatters himself will be found neither insufficient nor unsatisfactory. But it seems necessary for the Governor here to premise, that as the accusations have been generally stated, not only without recitals from any of the publick papers quoted, but even without the dates of the particular transactions accused or complained of, and that the true order of their succession has likewise been so studiously broken, it has given him a great deal of trouble to ascertain facts, and forced him, for the sake of perspicuity, and shewing the real connections, to be more diffuse and explanatory than he wished; and notwithstanding this, he is still apprehensive that a more particular attention may be required on the part of your Lordships to all parts of the subject, than would have been necessary had these articles been placed in their due and natural order: but so remarkably different has been the arrangement preferred by the accuser and his advisers,

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vifers, that his eighth or last article, ought to have been among the first, only that it might have too clearly accounted for the production of all the rest; not one of which (excepting part of the 4th and 5th) regard matters that happened while the accuser remained in the West Indies*.

To the first ARTICLE

Answer. That Governor Melvill did not “summon and call together his Majesty’s Council of the Island of Grenada, “and *direct* them to sit in a legislative capacity on the 15th of January, 1768, &c.” as asserted by the accuser; but the said Council having been in the usual manner appointed to meet for the dispatch of public business, on the 4th day of that month, they accordingly did meet under Mr. President Brebner, and did further continue *constitutionally* to meet, (under the general permission of the said Governor, and by the convenient adjournments of their president for the time being) on the 11th, 14th and 15th next following; on which last day a committee of inquiry

* Besides the public authority from the Assembly, the accuser is Proprietor of a large Estate in Grenada, and is equally interested in the good government of the island, whether he is resident here, or at Grenada.
(which

ARTICLE I.

(which had been appointed on the 4th, to take into consideration *the causes of the violent heats and animosities then distracting the Island*, and to propose the best means of quieting them) did accordingly make their final report to the Council: when, and in consequence whereof, sundry resolutions were unanimously *passed and published*; but such only as to them seemed very due to the then representatives of the people, as well as highly necessary for restoring the publick peace, and perfectly becoming the character of his Majesty's Council. That in consequence of the unanimous and earnest advice of the Council on the 11th of that month, as well as from his own conviction of what was the best, and the *first* measure to be taken for putting an immediate stop to the then prevailing violences and commotions, the said Governor had indeed issued a prorogation of the Assembly for two months; when under an adjournment, that had begun on the 24th of the preceding, and was to end the 13th of this month — which precaution, aided by the zealous and public spirited exertions of the Council, did accordingly restore *that* greater degree of tranquillity which had been expected: yet notwithstanding these happy effects, known to every person then in the Island, and that the accuser himself had been for many months before this event

event residing in England, does he most judiciously hazard, to turn all these proceedings into so many points of criminal accusation, charging them too, with equal wisdom, benevolence and candour, against the said Governor Melvill, although in fact the said Governor had not been present, except at the meeting of the 11th*, when it happened, by the report of the committee being still unfinished, that only some other points of importance to the King's service respecting lands, &c. were brought under consideration, as will readily appear on an inspection of the minutes of Council for that day — but that by this explanation, the Governor hopes it will by no means be understood, that he did in any way disapprove, or purposely keep from any of these or other meetings of the Council; for on

* Governor Melvill acknowledges he was present the 11th: he knew then what was transacting; he now approves of what was done. The Council, except when acting in a legislative capacity, cannot, or ought not to publish their Minutes; the several members are sworn to secrecy: but what puts this beyond a doubt, that the Council thought they had a right to sit in a legislative capacity, and that they believed they were then properly acting as such, appears from the memorial of the Council of the 15th April, 1768, Article 7th and 8th, in answer to the Assembly, where the Council assert their right of sitting in a legislative capacity, when the Assembly is prorogued or dissolved.

the

ARTICLE I.

the contrary, his constant rule was (*his health permitting*) to appear in Council as often and to remain present as long in it, as seemed either absolutely necessary, or more requisite for his Majesty's service, and the public good, than his absence on the execution of other essential duties, and acts of government, which objects did not fail to require his most incessant pains and application.

II^d ARTICLE.

Answer. That the said Governor Melvill did *neither* permit *nor* encourage the aforesaid Council, "unconstitutionally sitting in," "a legislative capacity, while the Assembly," "was *dissolved*," to call before them several "of the inhabitants of his Majesty's colony," "of Grenada, contrary to law, and to commit them to custody and to prison, particularly Mr. Cazaud, &c." as boldly asserted by the accuser.—But on the contrary the said Governor Melvill had *previously*, by the space of near two months, viz. on the 18th day of the preceeding November, 1767, constitutionally summoned that meeting of Council, not in a legislative capacity, but *as a Board of State and advice* *, and not

* If they sat as a Board of State and Advice, they are more immediately under the controul of the Governor, and therefore Mr. Melvill is more immediately answerable for *their doing* what no Board of State and Advice can legally do.

subsequently

ARTICLE II.

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subsequently to the 15th of January 1768, according to the reversed order in which it has pleased the accuser most shrewdly to place these two articles, not improbably too for the very laudable purpose of concealing, if possible, the true cause, which had actually happened on the 9th of November, and by it's dangerous consequences *, had both necessitated the calling of the Council as above mentioned, and all their subsequent endeavours to remedy them, so truly represented, and decently inveighed against in both accusations, and it was *not* while the Assembly was dissolved, although that if true could not have been any objection whatever to the meeting, sitting, and acting of the Council; but on the contrary, while there was no Assembly at all. For, to the misfortune of the country, the second Assembly, which had been chiefly elected by the dispassionate, and almost unanimous voices of both old and new subjects, and by whom were enacted almost all the Grenada laws yet in force †, had expired on the 24th day of October, according to the legal term of

* It appears by a resolution of the Assembly, and the minutes of examination of the 28th of January, that the smallest breach of the peace had not been committed.

† Most of them have been rejected under the severest censures by the Board of Trade.

C

their

ARTICLE II.

their duration for twelve calendar months *. And the third Assembly, of which the election had begun in the town of St. George with the most illegal and audacious interruption from the new Catholic subjects on the 9th of November, was not to meet until the fifteenth of the following month.—That although the remaining heads of accusation against the Governor in this second article, do so very particularly relate to the Council only, from their meeting on the 18th of November 1767, until the 15th of January following, (for such was the continuation of these matters, although apparently tried to be disconnected, or rather reversed by the order of these two articles of charge) that the Governor apprehends, that he might with the strictest propriety avoid giving any particular answers thereto, as indeed to much the greater part of the accusations, which in fact respect not him, but the Council, Assemblies, and justices of the peace—yet to leave nothing unrefuted, he shall give summary answers from his best recollection of the real facts, and the minutes of Council, to which, with the accuser, he is always very desirous of appealing—That the Council did not “ call before them se-

* Whether the Assembly is dissolved in consequence of an act of the island, or by the King's prerogative, it is equally dissolved.

ARTICLE II.

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“veral of the inhabitants contrary to law;
“ &c*.” But the facts were, as appears from
the minutes of the Council, That the Go-
vernor having found it necessary to summon
an extraordinary meeting of Council on the
18th of November, 1767, in order to re-
quire their advice and assistance upon the
distracted state of the Island, and to lay
before them a letter from Walter Robertson
Esq; † representing the illegal, and dangerous
obstructions given, and the protest made by
the French Roman Catholicks at St. George’s;
on the 9th of that month ‡, and which event
had alarmed and irritated all the English
subjects (excepting a few) to the greatest
degree.—A committee was then appointed
with the usual and necessary powers of send-
ing for persons, papers, and records §,—to
fit de die in diem, and to report from time to

* To judge of this fact, vide the Minutes of 20th
November, and 14 December, where no less than
eighteen gentlemen are summoned before the Council,
contrary to law, and bound over in excessive bail,
without having been guilty of any crime.

† Here is a returning officer complaining to a
Governor, respecting the proceedings at an election.

‡ Vide the protest itself, and then judge if it is
possible to conceive any paper more innocent from
subjects accustomed to this form of procedure.

§ This proves beyond a possibility of contradiction,
that the Governor and the Council thought they sat
in a legislative capacity, otherwise they never could
have assumed such powers.

ARTICLE II.

time their inquiries and proceedings to the Board; which committee accordingly sitting, had on the 25th sent a summons for the said Mr. Cazaud, and Mr. De Monchy, another of the new subjects, who had been complained of as remarkably seditious, to appear before them at their next meeting, viz. on the 27th following; when neither of them having appeared, the provost Marshall was ordered to prepare his proofs of having served the said summons's, to be laid before the next meeting of the committee appointed to be on the 30th of the said November; which proofs being accordingly then laid before them, the non attendance of De Monchy had been excused, as he alledged his having been off the Island at Carriacou, and respectfully acknowledged the authority of the committee*.—That they had been unanimously of opinion, that the non attendance of the said Mr. Cazaud, (then in the Island, and not at above twenty five miles distance,) was a contempt of the authority of the Council; and therefore, it was unanimously resolved, that a warrant to the Marshall, or his deputy, should be immediately issued under the hands and seals of the members of the said committee, to apprehend the said Cazaud, and bring him

* To call people before them contrary to the 25 Ed. III. Cap. 4. and 16 Charles I. Cap. 10.

before the Council, which warrant was accordingly issued, and in pursuance thereof, the said Mr. Cazaud was, on the 2d of December, brought before the Council then sitting, when he was judged guilty of a high contempt, by first disobeying the summons of the committee, and afterwards, by obstinately refusing to answer any questions put to him by the Board; but insisting on a lawyer being admitted to answer for him, although the sworn interpreter (the accustomed and proper officer for interpretation) was then attending to interpret, if he should require it; and that the question repeatedly put to him was simply to give his reason for his non attendance, when served with a summons, which (as had been credibly reported) he had declared publicly in the country, his Majesty's Council had no right to issue, and ought not to be obeyed in—That in consequence of the said high contempt, and his not having made any proper submission or acknowledgment for the same, the Council had judged it indispensable, for support of their just and legal authority, to commit him to prison, by a warrant directed to the deputy provost Marshall*; which was *not* signed by them (as

* If these are not Star Chamber proceedings, we are at a loss to conceive what can be entituled such. Here we are willing to rest the controversy on Governor Melvill's state of it.

ARTICLE II.

asserted by the accuser) in presence of the Governor *, who never saw Mr. Cazaud in Council, until after his discharge on the 5th day of December, when the said Cazaud attended, and was required to take the state oaths.—But by the refutation of the above assertion, the Governor does not at all mean, either to throw any the smallest blame on the Council board, or to imply that his own presence would have been wrong.—That as to Mr. Cazaud's not being admitted to bail, when it was offered for him to the Council, they had judged *it* not to be admissible in such a case of contempt, and when too it had been signified to him, that he should be liberated, as soon as he had signed such an acknowledgment of *his* offence, and *their* authority, as they deemed fit to be accepted; which he having accordingly done on the 5th of December, after an obstinacy of three days, he was immediately discharged by his Majesty's Council, stiled by the accuser so liberally and respectfully to the Crown, an *illegal convention*—And two further facts seem here not improper to be added on the

* The warrant and minutes of Council, both specify that it was given *in presence of his excellency*, and Mr. Scott was ready to swear this before the Lords of Council; but their Lordships would not permit his examination on the second day of the hearing.

above case of the said Mr. Cazaud, viz. That while in confinement, neither he, nor any of his friends thought fit to apply to any judge, for a writ of Habeas Corpus*, and that when afterwards in London he commenced a law-suit against one of his Majesty's Council then present for false imprisonment, but very soon withdrew it†, having been (as it was said) advised of a decision in point, on an appeal from the King's Bench, given by the House of Lords in the year for certain Councillors of Barbadoes prosecuted in England.—

That with respect to the only other point in this accusation yet unrefuted, viz. "That the Council unconstitutionally sitting in a legislative capacity, did call before them several of the inhabitants contrary to law, and commit them to custody and to prison:" It is just answered that, on the contrary, the Council was sitting, and, as has fully appeared, *constitutionally*, and *then* not legislatively, but as a board of state and advice for the support of government and the public peace.—Further, that it will be seen by the minutes of the committee of the Council, on the 14th of December, that

x Gul. III.
Sir Richard
Dutton plt.
versus
Richard
Howell,
Richard
Grey, and
Robert
Chaplain,
executors of
Sir John
Witham
deceased.

* The judges were members of the Council, and therefore no redress could be expected there.

† It is not withdrawn, but it became necessary to send to the island for legal proof.

ARTICLE II.

they had both summoned *according* to law, and *not* committed either to custody or prison those new subjects *, although they had been informed against as the protestors, and also as the chief instigators or actors in the disturbances beginning on the 9th of November, because Mr. De Monchy, and all others of them, excepting one, (who was unable to come) had duly attended, and had given proper security for their appearance at the Court of King's Bench, and grand session of the peace next following.—But the Council afterwards, viz. on the 7th of March 1768, in consequence of a report in behalf of many of those persons made to them from the second committee, which (as has been observed in the answer to the first article) had been appointed on the 4th of January preceeding, made an application to the Governor for his directions to his Majesty's attorney general, to drop the prosecution against the whole; and to discharge their recognizances; which was accordingly complied with †.

* A warrant issued on the 14th, from the Council, to apprehend Mr. Madilhon.

† Upon what principle did the Governor drop the prosecutions, which was not equally strong at the beginning, for never harrassing those new subjects?

III^d A R T I C L E.

Answer. That the said Robert Melvill *did not* “take upon himself to release Walter Robertson, a person committed by the assembly, for a breach of their privileges, thereby overthrowing the whole authority of that branch of the legislature,” as asserted in this accusation; but Governor Melvill did, as Chancellor, grant a writ of Habeas Corpus, which is *a writ of right*, to bring before him in the open Court of Chancery, Walter Robertson Esquire, (an assistant justice, and a man of character) who had been recommitted to the common gaol by the Assembly, for what was *not*, nor could be, a breach of *their* privileges, but on the contrary was both strictly legal by the election law, and conformable to the true meaning and intent of his Majesty’s commission, and the instructions as they then stood—and therefore “their just and necessary authority was *not* thereby in any way either “overthrown or lessened*.” That further the said Mr. Robertson was, at the same time, bound over in considerable security to stand a trial at law, if prosecuted for the

* If the Governor, who is one branch of the legislature, can judge concerning the conduct of the other in matters of breach of privilege, there is an end of their independency from that moment.

offence alledged against him; but neither did that Assembly, although they remained in being for near a year longer, carry on any prosecution against the said Mr. Robertson, however obnoxious to their party, nor ever attempt again to recommit him, having, as it is supposed, discovered on cooler reflections such express lawfulness, as well as constitutional propriety, in Mr. Robertson's refusal to admit *then* a professed French Roman Catholic as a candidate, that they foresaw he would have been most honourably acquitted—And as to the recommitting him again by their own power, beside their dread of renewing the indignation of almost all the English inhabitants, they had most probably come to see, that neither by constitution nor prescription could *they* pretend to re-imprison, and keep deprived of his liberty, any of his Majesty's freeborn subjects, in direct breach and contempt of the Habeas Corpus act.—And as for the Chancellor's having granted such a writ,—the similar conduct of Governor Lyttelton at Jamaica, approved of*, might have reached their knowledge.—But to conclude on this point, it is at least evident, that whatever were the motives, the last conduct of that

* It never was approved, but on the contrary condemned by all men of sense,

favourite

ARTICLE IV.

27

favourite Assembly, does neither support, nor do any honour to the assertions made in their behalf by the accuser.

IVth ARTICLE.

Answer. That Governor Melvill does very readily, and with great satisfaction of mind at this time acknowledge, that, in as far as *his* having previously testified both his opinion and wishes that Augustine should be rewarded by the legislature, with an act of freedom for his public services, according to the practice of the colonies, could be reckoned *his* promoting it, he *did* promote the act complained of, and that he *then* thought, as he *still* thinks, that the whole legislature were bound, both in justice to that deserving Negro, and for promoting the public safety in future, to bestow on him that mark of favour and encouragement, for which, beside the sufficient reasons given in the act itself, and to which the Governor refers; it must be added that he had a claim, by not only freely coming *in* about the middle of January 1767, and bringing with him all the fugitive slaves, (or Marooners as they are called) whom he could prevail with*, and fully trusting himself to an act of indemnity *then* in force; but had performed with real

* These were four,

ability

ARTICLE IV.

ability and great fidelity, all the services he had been employed in by the said Governor, of which some too had been in the woods, with no small risk of his life—That with regard to the legislature having passed the bill through both houses, as speedily as asserted by the accuser, supposing it to be exactly *true* and as blameable as he would have it, will that justify his charging it against the Governor, on whom he cannot be ignorant, that both legislative branches are, and ought to be, entirely independent*; but had he done them the justice to consider, how many and mostly essential laws they had passed through, from the 20th of April, to the 2d of May 1767, and the necessity for such dispatch, as an adjournment was so soon to take place, at the departure of the Governor on his annual circuit; he would probably not have hazarded such an accusation.—And as for the Assembly dispensing with their own rule by passing on such a conjuncture, such a bill of freedom in a summary way, or the Council

* To prove that this act was entirely done at the instance of the Governor, and by surprize, one has only to look at the minutes of Council, of the 28th of April, where they adjourn *sine Die*. The minutes of the 29th are indeed destroyed, but it is clear the Council must have been summoned by the Governor for this purpose; and his passing the bill on the same day, fixes the deed on him beyond a doubt.

doing the same, who have only a rule of practice, in relation to that subject, will the accuser say that this was a sufficient objection (if indeed any at all) to have justified the Governor's rejection of so just, and proper a bill.—For as to the eleventh Article of his Majesty's general instructions (referred to by the accuser without any recital) *it* never was, nor can *it* ever be understood, to preclude the legislature of the colony, from giving freedom with indemnification of the owners, to *one*, or indeed to any number of slaves, for the public safety, or in a case of necessity; and this will plainly appear by a perusal of the instruction itself, which seems chiefly, if not wholly to regard the subject of landed property, and makes no mention whatever of slaves*.—

Copy of the
Article produced.

No. 3.

And as to the dissent of Mr. Couston, who pretended to be the sole owner of Augustine, (although asserted by others to be the property of a Mussee woman living with him) if such dissent did happen, it was after his having repeatedly declared, in the course of two or three months, his wishes *not* to receive him back, but on the contrary,

* Slaves are freehold, and considered as landed property in all the West India islands, though the Lords of Council were ignorant of this fact, which makes the instruction fully applicable.

ARTICLE IV.

to quit him for the public service, and even pressing his stay with the Governor for that purpose.—And if afterwards, being instigated by a few factious disturbers of government, and incited by his own avarice, he affected to make a refusal, in order to raise his price on the public; surely his perverse conduct was in no way a sufficient reason to prevent the legislature from doing for this meritorious slave*, what was so *just, usual, and proper*; besides that due care was taken in the bill to authorize and direct a full indemnification to be made to the said Couston†, or whoever should be found to be the real owner.—That as to the public accusations asserted against Augustine, of his having “ravished a white woman, murdered “ Mr. Vandell; and committed other atrocious crimes,” *stories* which had been most invidiously raised and propagated, because he was countenanced by the Governor; the first was soon found to be an absurd fiction, and the second proved equally false; for a Marroon Negro named Apolon, who had actually been the murderer of Mr. Vandell, having been fortunately taken,

* To judge of his merit, see the presentment of the Grand Jury, March 10th.

† There is no such clause in the bill; he is to be valued by three of Mr. Melvill's friends, and Mr. Couston never received any money for him.

Augustine

Augustine voluntarily appeared at the trial and insisted to be confronted with him, when Apolon repeatedly confessed that he himself was the murderer of the said Vandell, with Vandell's own pistol, and that Augustine was innocent of it; which confession or declaration he made again at the place of his execution*.

And to the other atrocious crimes of *poor* Augustine, as they are neither specified by the accuser, nor were ever heard of before by the Governor, he can only answer, that by all that had appeared to himself, and all other impartial persons, his behaviour, and character, had been always the reverse, and much approved of; nay when driven into the woods for some time, by the cruelty and jealousies of the said Couston, (a very worthless subject, and since gone to settle in St. Lucie) he had always opposed and sometimes prevented the rest of the Marrooners from going on mischievous designs, and endeavoured to prepare them for submitting on the first good occasion of being pardoned; which accordingly he himself embraced under the said indemnity in January, 1767, and would have brought

* The confession of Apolon was very different: he allowed, indeed, he did the deed, but with Augustine's consent, and in his presence.—In murder, all are principals.

ARTICLE IV.

many more, but for an ill judged attack made against the Marrooners in the time of the said indemnity.

And as to his conduct from his presenting himself at that period, till at last forced to abscond, and quit the Island above a year afterwards, by a very famous presentment, on which the justices had thought themselves obliged to issue a warrant; yet have they publicly declared their disbelief of the crimes alledged*; surely it will be the accuser *only* who can wonder at Augustine's making his escape from such unmerited and relentless prosecution.

There yet remains in this article two accusations, but accusations of such an extraordinary nature, that nothing less than the most decided self possession, and the great respect due to your Lordships, could enable the Governor to answer in terms of coolness and moderation.

The first, where the accuser asserts, " that
" the said Robert Melvill, to screen the
" aforesaid Augustine, did harbour him for
" several months at his house nigh St.
" George's;" when it is notorious, and
indeed must have clearly appeared in the
course of the above detail, that he had openly
remained there, without either concealment

* Where does this appear?

or interruption, and was frequently and publicly employed until the time of his quitting the Island.—

The second is if possible more enormous, as it arraigns the whole legislature, viz. Governor, Council, and Assembly, of having bestowed an act of freedom on Augustine, with no other intent than to screen him from punishment for the committing of murder, ravishment, and other atrocious crimes; and by way of proof to support such a charge, he has ventured to give the following formidable reason, viz. “That
“negroë evidence from his becoming a
“free man was inadmissible against him,
“according to the laws of the Island.”

But unfortunately for the accuser, this distinction will not apply in the case of Augustine as he would have it understood, but only in as far as it could operate for a slave made free under the French government; for the express and very proper terms of the Act were, “That he should enjoy all
“the liberties and privileges allowed to free
“negroës in Grenada, and no other*,”—so that the evidence of slaves was admissible against Augustine, as must have been

Act produced.

* These very words left the doubt; for if free negroes under the French Government had that privilege, it would seem those words communicated the like privilege to Augustine.

ARTICLE IV.

sufficiently known to the dispassionate authors of the presentment, as indeed to all other persons, else how nugatory as well as malicious and persecuting would their conduct have appeared. Thus is the accuser reduced to the unhappy dilemma, of either admitting a just censure against his best friends, or acknowledging a most unjust one against those he treats as enemies — a situation the more unaccountable for him, that the admissibility of the testimonies of slaves as *circumstantial evidence* *, even against free (white) persons on criminal trials (which too, seem to have occupied very much of his humane attention) is so generally known in the West Indies; and that so striking a particular should have escaped a gentleman whose superior *discernment, judgment, and knowledge* has so emboldened him to condemn every branch of legislature, is indeed most *extraordinary*.

Vth ARTICLE.

Answer. That the said Robert Melvill did not “ permit John Graham, Peter Gordon, and other justices of the peace of “ the Island of Grenada, to use the severest

* This is not true, and Governor Melvill mentions it as a fact, merely to screen his proceedings against the Chancelleries.

“ and most cruel tortures upon the bodies
 “ of five negroes, suspected of committing
 “ murder ;” but on the contrary, when that
 barbarous murder in question was committed on two of his Majesty’s *natural* born subjects, viz. in the beginning of August, 1766, he was residing in the town of St. George, and heard nothing of these examinations complained of, which had been taken without his knowledge, by the said justices, on or near the spot, which was at least 15 or 16 miles from the town; consequently the *criminal* permission on the part of the said Governor, so benevolently imputed to him by the accuser, and which in order to be *such*, or indeed any permission at all, must have implied his knowledge of what was to be done, or at least what was doing by the said justices, proves, like some other of the upright accusations, not only untrue but impossible.—

And with regard to the additional clause of that criminal permission having proceeded from so shocking a purpose as, to use the accuser’s words, “ A view to induce
 “ the negroes to confess the said crime,
 “ and to accuse their master Mr. La Chan-
 “ cellerie *,” Governor Melvill knows of no

* The two Les Chancelleries were imprisoned many months, and tried on no other evidence than the accusation of slaves under torture; which accusation,

terms fit for him to utter, or your Lordships to hear, which can convey his sense of it.

An accusation the more astonishing, as the accuser cannot have forgot, that the Governor had, in the only part of that affair which fell within his province, yielded to his own humanity, and the entreaties of the two Les Chancelleries* beyond, perhaps, what was strictly justifiable (but such *only* he trusts have been *his* few irregularities) for he did send an order to the accuser, then commanding officer in Fort Royal, to receive and accommodate them there, as conveniently as was consistent with security; instead of suffering them to remain for a considerable time in the common gaol, the usual confinement for persons under violent suspicion of murder†. But to proceed to what the accuser has so handsomely stated on the subject of the confinement and liberation of Mr. La Chancellerie's slaves, viz. "That the remonstrances of the
 " most respectable inhabitants of the colony,
 " had occasioned a delay of their execution,
 " until the matter was represented to the

Mr. Melvill since acknowledges, was without any truth, and that both the slaves and the master were innocent.

* This shews he was applied to, and knew of the whole of the proceedings.

† They were under no suspicion whatever, unless the accusation of slaves under torture in answer to leading questions can be called such.

" King's

“ King’s ministers, who ordered them to
 “ be liberated.” The real circumstances, as
 far as they relate to the Governor, were
 briefly these *, viz. That Mr. de Pradine, a
 planter of the Island, and son in law of Mr.
 La Chancellerie, did indeed (after the tryal
 of that gentleman and son was over) make
 such representations of circumstances to
 the said Governor in behalf of the two
 slaves in question as induced him to respite
 them, until he could make such farther,
 and strict enquiries, as could satisfy his
 mind concerning their guilt or innocence—
 the result of which enquiries was such, that
 the Governor became strongly persuaded,
 that six particular Marroon slaves †, who had
 been at first named by the Chancellerie
 family, were the real instruments of the
 murder, (as some of them when taken con-
 fessed) and that those two of La Chancellerie
 then remaining in prison, (the nature of
 slavery and other circumstances being duly
 weighed) were not to be considered as ac-

* The slaves were tortured into confession in August
 1766; they were not condemned till May 1767, when
 two had died—The cry of the country had been so strong
 against these proceedings, that Mr. Melvill had issued
 a commission for three inferior Justices to enquire into
 the conduct of the others; but their report was either
 never made or quashed, but this however proves his
 knowledge of the proceedings.—

† *Poor Augustine* was one.

Extract of
his Lordship's
letter inclo-
sing the par-
don, pro-
duced.

No. IV.

complices deserving death : and such having become the Governor's conviction of mind, as well as *that* of some discerning persons, to whom he had communicated his informations, he lost no time* in making his earnest application to the Earl of Hillsborough for obtaining his Majesty's pardon for them†, which being most graciously granted, was very speedily by his Lordship sent out, and the prisoners were accordingly discharged.

It now only remains for the Governor to answer on this article, the heavy accusation of his having continued in the commission of the peace, John Graham, Peter Gordon, and certain other justices, whom the accuser has not been equally pleased to name, although one of them (a gentleman of character and of his Majesty's Council of Grenada) has been for some time in England, and is *now* in London : but perhaps were the accuser's motives to be judged of, by those generous rules he has so freely applied to others, those very *circumstances* with the vicinity of Westminster Hall, would be esteemed the very identical *reasons* why only *one* justice so far distant as Grenada, and *another* who has been near two years deceased, have been honoured with

* This was 19 months after they had been tortured.

† By this letter of Governor Melvill to the Secretary of State, the innocence of those unhappy wretches is acknowledged in the strongest terms.

the accuser's kind selection, to bear the whole load of all those atrocious imputations so strongly marked in this following black list, viz. " Their inflicting the most cruel
 " tortures on five slaves, to make them confess murder, and accuse their own master
 " of it, by repeated tortures, extorting the same from them; then apprehending and
 " imprisoning the said master, viz. Mr. La Chancellerie—condemning the negroes to
 " death upon their own confession thus extorted — and having occasioned the death
 " of three of the said slaves by injuries of torture and long confinement."— The bare recital of such abominable enormities, so abhorrent to the nature of gentlemen, not to say to the duty, and characters of British Magistrates, seems too outrageous, not to refute itself*; yet that one or two of these five slaves, who had been all pointed out, as certainly the accomplices if not the perpetrators of the horrid murder, having proved obstinately mute†, were therefore

* Is there one of those facts which can be denied? Were not the slaves tortured into confession? were they not innocent? did not three of them die in prison? was not Le Chancellerie and his son confined for six months, and tried for his life on no other evidence? Mr. Melvill does not deny the facts, but alledges they do not apply to him.—All this is independent of the loss La Chancellerie suffered.

† To alledge that men who were innocent would remain obstinately mute, refutes itself indeed.

ARTICLE V.

put *slightly* * to the question, the Governor has heard, and believes to be founded in fact. But for the better understanding of the causes and nature of these matters, it seems not only proper to consider to what imminent destruction the few white inhabitants (planters and managers especially) in every colony would be exposed, were slaves (since slavery is permitted) liable to no other methods of examination, trial or punishment, than free persons †, and to reflect likewise on what has been the usages in the English Islands in cases of alarm or danger ‡;—but further it is necessary to keep

* This very expression carries a degree of cruelty equal to the torments which the negroes suffered—The fact is, their thumbs were tied together behind their backs, to which the Rope was attached, and they were hoisted up and lowered down four several times in this agony; this *slight* method of torture (according to Mr. Melvill's expression) is reckoned among the cruellest used in the inquisition.

† They are liable to a different method of trial, but not to torture of any kind; not perhaps from any principle of humanity, but because it is contrary to the first principles of natural justice, and always defeats the purpose for which it is intended.

‡ Governor Melvill would insinuate here, that torture is used in the trial of slaves in our colonies in case of alarm or danger; but nothing can be more untrue, though a noble Lord at the Cock-pit asserted upon the hearing, that it was always used against slaves; which serves to shew his ignorance, both of law and fact, and proves to what a miserable state the affairs of the colonies are liable to be reduced where such men are left to judge on their most essential rights.

in

in particular attention, what *follows* in respect to these conquered and ceded Islands of Grenada and the Grenadines, viz.

That although by the establishment of the British civil constitution in Grenada, in 1764, *that* of France had been totally extinguished, and the French laws wholly annihilated by those of England, as was equally understood by both the natural born, and new acquired subjects; yet consistently with that foundation, it was equally * held, and still is, that the ordinances in the *Code Noir* and all other French laws for the government of slaves, of necessity did, and must always subsist in force, unless in as far as they shall be subsequently altered or

* If ever it was held by any man of sense (except Governor Melvill and his associates) that any part of the *Code Noir*, or in plain English, the French laws, for the government of slaves, were in force after the British government was established, we are ready to give up the dispute. It is this allegation of the Governor and his justices that we deny, and demand a decision upon, whether tryals by torture is now permitted in the island of Grenada or not?—to prove how futile and absurd this assertion of Mr. Melvill's is. It is to be observed, that he published a proclamation himself in his Majesty's name, on the 19th December, 1764, wherein are these words, “ all other jurisdictions, “ offices, commissions, and proceedings for the future, “ not founded on those our laws of England, are hereby declared to be absolutely determined, utterly void “ and totally abolished.”

repealed

ARTICLE V.

repealed by either municipal laws of the colony, or by British acts of Parliament.

And in consequence of what has been now observed, does it not follow that those extraordinary methods of examination *might be* most strictly legal, — and considering the characters of the justices who acted, is it not but candid to suppose, that in as far as these methods were exercised, it was from necessity only, and with no other intent or purpose than to discover the truth, for the better prevention of such atrocious murders in future ; — and if such only were their motives, can it be denied that the Magistrates acted from *real* clemency, as well as from law and justice*.

But the Governor does not think it at all necessary, on his part, to enter into any farther defence of the proceedings of these gentlemen, which, if requisite, as he believes it not to be, they could do so much better themselves ; — he will therefore just conclude with declaring, that so far was he from thinking that it could ever have been imputed to him as a crime, the continuing these gentlemen in the commission of the peace, that he should have believed himself equally culpable against his Majesty's in-

* It is from arguments such as these, that the most unfeeling tyrants vindicate their proceedings.

structions,

ARTICLE VI.

43

structions, (which the accuser is sometimes so very fond of quoting, or rather mis-quoting) and his duty of Governor for the interest and safety of the public, if he had displaced * Magistrates of such acknowledged zeal, diligence, and merit.

VIth ARTICLE.

Answer. That the said Governor Melvill, did *not* “ order Lieutenant Thomas “ Ross, without any legal crime having been “ alledged against him †, as asserted by the “ accuser, to be taken into the custody of “ the deputy provost Marshall;” but only ‡ signified to him a commitment to the said

* Instead of displacing them, *two* were preferred to the Council.

† If there was a legal crime, it behoves Mr. Melvill to state it. The real fact was, that Mr. Ross having been asked by a gentleman to eat a piece of cold mutton with him in a tavern where they were drinking, for which the gentleman had jocosely said, *he would shew him a precedent*; Mr. Ross had replied, *Damn your precedent*; I know my duty better than he can teach me: which was said in allusion to some dispute they had formerly had on a point of ceremony. —One is apt to remember the case of Lord Mountnorris on this occasion, which cost Lord Strafford so dear; but he chose a Court Martial to be the ministers of his wanton vengeance: this is the first instance of a Civil Court being so employed.

‡ This is a subterfuge beyond father Foigard in the play; it is asked, by what authority did the Council commit

ARTICLE VI.

custody by the Council in presence of the Board, who had just before, on the Governor's coming in, communicated to him their resolved commitment of the said Lieutenant Ross, for an * outrage or offence against Mr. Turner in his public character as President, which *they said* had been clearly proved against him, on sundry examinations upon oath taken before a committee of enquiry, and afterwards laid before the Board, and which offence they unanimously held to be of dangerous tendency, and certainly actionable; — and further, when he the said Lieutenant Ross had been informed as above, that he was in the hands or custody of the deputy Provost Marshall who stood near him in the Council chamber, he was told, to the best of the Governor's recollection, by some person present, that he might have immediate bail or send for it,

commit for words spoken at a tavern, or in what character did the Governor act, according to his own account of this cruel and disgraceful transaction?

* It is again asked, what was the outrage or offence? or supposing an outrage or offence had really been committed, can the Council (except in a legislative capacity) enquire into any misdemeanor, or commit for such crimes, even without hearing what the party has to say in his defence? It appeared before the Lords of Committee of Council, that the Governor had actually sent his orderly Serjeant for Mr. Ross, which made the proceedings still more uncongruous.

but he declined it, and chose to go with the deputy Provost Marshall to bring two of his own friends for that purpose, which he accordingly did in a very short time, and was bound over to take his trial;—that whatever happened subsequently to the said Lieutenant Ross until his trial was over, the said Governor neither knew of, nor took the smallest share in:—and further, if the fine to the King which Lieutenant Ross had been sentenced to pay was not remitted, he as well as Lieutenant Hook of the same corps, could not but be sensible that there was in the Governor a very favourable disposition for it, which however the said Lieutenant Ross did not chuse (he believes) to avail himself of:—but by this last explanation, the Governor does not mean to say whether he had approved, or disapproved in his mind of the sentence against the said Lieutenant Ross, which in no way fell under his cognizance, but just to shew that in the only part within his power a tendency to lenity prevailed.—

And after the above answer, how *true*, *just*, and *benevolent* are the accumulated accusations in this article, of “violating his Majesty’s instructions” * (without point=

* The instruction alluded to, is in these words,
 “You shall not by yourself, or by deputy, act as a
 “judge or justice of the peace.”

“ing

ARTICLE VII.

“ing out which of them) and directing
 “and countenancing the most unjust, cruel
 “and illegal prosecution against the said
 “Lieutenant Ross,” must evidently appear.

VIIth ARTICLE.

Answer. That if Mr. Alexander Symson, who was the Governor's publick official Secretary, (indeed sometimes styled private Secretary, in contra-distinction to the Patentee-Secretary of these Islands) and was resident in the town of St. George, while the Governor for want of a government house was obliged to reside at a place in the neighbourhood *, (his own purchase) had been capable and desirous to promote an *improper petition*, he might have easily done it without either the encouragement

*. For what purpose this is introduced, except to vindicate the great expence of public money in the island of Grenada, is difficult to guess. Mr. Symson surely saw the Governor every day. If he drew the petition, and carried it about for subscriptions, there is no doubt the Governor knew, and approved of it: besides the laboured, hackneyed stile of the petition, which proves Mr. Melvill's hand beyond a doubt to any one who is a judge of composition; add to this, that Mr. Melvill has approved of the petition, and says in a few lines further, that it was most *just and indispensable*; and therefore his fitness for being the supreme magistrate in a province, may be determined by the contents of this petition.

OR

or knowledge of the Governor; besides that, as a proprietor of the Island, Mr. Symson's right to join in any measure he believed for its common good, was to be viewed as entirely independent.

But this petition is by no means granted to have been such, as it has been most candidly and handsomely represented by the accuser, viz. "A most injurious petition on
" the subject of religion from the meanest,
" against the most respectable of the inha-
" bitants, under false pretences, having
" thereby sown irreconcilable divisions
" between his Majesty's new and old sub-
" jects."—

For on the contrary, the said petition, which was presented to the Governor in Council on the 3d day of December 1767, had been, as most *just and indispensable*, signed by almost the whole body of natural born subjects, who were then under the greatest apprehensions and alarm for their civil and religious rights, so illegally and audaciously attacked (as they conceived) on the 9th of November, by the new Roman catholick subjects, said to have been keenly *instigated* to it, by some of the most factious of the British and Irish, who, rather than not have a majority in the third Assembly, which was to meet on the 15th of December, had begun some months before the expiration of the second, which was to be
on

on the 14th of October, most wickedly to sap, and destroy, that very general attachment and confidence which the new subjects had hitherto entertained for his Majesty's Governor; and artfully insinuating to them, that notwithstanding his apparent qualities of *benevolence, integrity and candour**, he was in reality a man of deep *diffimulation* and *design*: — That all the impartiality or even favour which he had seemed to shew them, either by his conduct there, or by representations to the King's Ministers, was only meant to *deceive* them; and that all their free enjoyment of their religion, — their admission on juries respecting themselves, and permission, on taking the oaths of supremacy, to vote for representations, which was pretended by Mr. Melvill and the Council, to be as much as could possibly be granted them in conformity to the treaty of peace, and the English constitution, or consistently with his Majesty's commission and instructions, were just so many injurious *deceptions*;

* There is not a man of understanding above the rank of Whitefield's tabernacle, or the wild Montaineer preachers in Scotland, who ever imputed those qualities to his excellency. Does the Governor think that by an eternal repetition of the words, *humanity, benevolence, candor, delicacy, &c.* that the qualities follow like water in a pump? However he might have practised those arts in his youth, the people *here* are too generous to be deceived by such common-place expressions.

and that the Governor might, if really well disposed in their favour, grant them an admission both into legislature, and offices of power and trust, without their making and subscribing the test, which indulgence they (the factious) should be very well satisfied with, provided they themselves were brought into the Assembly. — And that such language as *this*, should very speedily mislead, and transport a people of their levity and inexperience in such election artifices, was but naturally to be expected. — And yet it is but just to say, that had not these impressions been very strongly enforced, and kept up by a very few among themselves, more violent, artful, and designing than the rest, the effects would never have become so general, and pernicious *: but with *their* aid, so far had the small and desperate English party soon prevailed with these people, that there appeared to the legislature to be no other remedy left which could be effectual for the preventing, or at least defeating an understood intention of the French Roman catholicks to become representatives, with the confusion and many mischiefs to be dreaded therefrom, but to insert in the election law, which was to be passed before the expiration of the

* It is acknowledged then, that the effects were general and pernicious.

ARTICLE VII.

then Assembly, a particular clause requiring that all candidates should be *Protestants*, which was accordingly done. —

But although this bill had been deliberately prepared, and had passed in an Assembly with open doors, and was duly published in the usual manner, by the deputy Provost Marshall, about four weeks before the first day of election, which was fixed for the 9th of November 1767; yet so encouraged, and excited, had they been, that they failed not even *then*, to make that most extraordinary struggle, to be admitted on the poll; and when disappointed by the firmness of the returning officer, supported by the previous opinion of his Majesty's attorney general, they then openly made their written protest *, calling in question, if not denying the authority of the law itself, although made by their own representatives; and next, under all the rage of their disappointed passions, and with the most heated predilection for their worthy advisers, they proceeded by their universal majority to choose in, for almost every parish, some of the new favourites, or of their known asso-

* Protesting against a law in the colonies, though nugatory, is not illegal nor absurd, because there is another step to entail the consequences of the law, the King's confirmation at home; and it might easily be pardoned in men accustomed to this mode to secure their right.

ciates,

ciates, rejecting most of the old members who had been before highest in their esteem and confidence.

And it seems here not improper to be explained, that as most of the Grenada Catholics, have been bred with great attachment to the power of the King of France, and the jurisdiction of the Gallican church, but with little regard for the Pope's hierarchy*; they have generally not scrupled to take the oath of supremacy, which with those of allegiance and abjuration, were all that were required for voting, and the qualifications improperly being also fixed very low, they greatly outnumbered the natural born subjects at the elections, who have the largest properties, and are oftener non resident, insomuch that the formation of the Assembly, may be considered as wholly in *their* power.

From these unhappy causes the confusion in the island was so encreased, and such apprehensions raised amongst the natural-born subjects, as produced that most serious petition to the Governor and Council, so decently characterized by the accuser in terms above quoted, and as candidly asserted to be by the *meanest*, against the most

* Surely these are circumstances not to be lamented, and should rather be considered as circumstances meriting indulgence and favour.

respectable of the inhabitants; although the signatures of all the English inhabitants will be found to the original which was transmitted home by the Governor, *excepting a very few and those who were then elected on the principles and from the circumstances abovementioned*; to whose violent proceedings after their meetings of Assembly on the 15th of December, 1767, and 15th of March, 1768, flowing from their own passions and rash engagements to their Catholick constituents, added to their first seductions of them, and the pernicious consequences therefrom, and *not to that* petition, as asserted by the accuser, must be chiefly, if not wholly imputed those divisions which he is pleased to think irreconcilable.

But on what grounds he forebodes so dismally for the colony, the Governor cannot conceive, unless the accuser be connected with, and foreknows the mischievous design of perpetuating those divisions, to be the determined plan of a small but invidious and busy faction; which having sprung from the meanest jealousy before the Governor's arrival, and gained force afterwards by the accession of some angry and disappointed men, has continued till this day to distract and distress that *particular* Island; for happily for all the rest (Dominica excepted, and that only during a certain period,) they

they were never able to get credit * enough in them, either to disturb their government or divide their inhabitants. — But the Governor does not suffer himself to despair, (now that the workings of the faction have been so fully detected and are so generally condemned) but that even in Grenada, by the wise and gracious measures of his Majesty, to forward and maintain a good understanding between the natural-born and acquired subjects, such may be effected †, and as great harmony restored as prevailed in 1766, when the second Assembly was chosen by their united voices; and in which was proposed with approbation, an act of naturalization, to remove every doubt of the new subjects being in any respect on a worse footing than if they had been born in a colony under the dominion of his Majesty.

* It was not for want of credit in the complainants, but because Governor Melvill never resided in any of those islands, except Grenada and Dominica, to exercise his king-craft.

† The measures his Majesty is pursuing, are certainly very proper if legally executed. But whether a man who had raised those odious and illiberal distinctions on the subject of religion, and who appears ignorant of every principle of government, is the proper person to carry into execution measures which he has so long opposed, becomes the question? Few men besides Lord Hillsborough, would have persevered in this choice: but it is possible his Lordship may be directed by a secret influence, more powerful than any visible agent, ††

VIIIth A R T I C L E.

Answer. To this general assertion of the accuser, without specifying the sundry letters to the justices of the peace, the Governor, fully conscious of the contrary, can only return a general negative, defying the accuser ever to produce any such letters.—

But with regard to the particular letter he has been pleased to point out so unexpectedly, viz. of the 27th of April 1767, to the justices, and of which happily a copy has been preserved,—the Governor, disagreeably forced as he is, by the necessity of justifying himself, shall answer by a more particular explanation to your Lordships, which is as follows :

That the accuser, when Lieutenant Colonel, and commanding officer of his Majesty's 70th regiment, on the 21st of April 1767, was unhappily convicted, after sundry examinations taken upon oath in the course of several days, before two of his Majesty's justices of the peace, of having incurred the penalty provided by a section of the mutiny act *, (in the present one, the 60th section)

* It is an undoubted fact, that this section does not extend to his Majesty's colonies, and that officers offending there in this respect, must be tried under the annual act for extending those powers to the justices in America, where the manner of proceeding is very differently

against “ any commanding officer who
 “ shall wilfully neglect or refuse to deliver
 “ over to the civil magistrate, any non-
 “ commissioned officer or soldier, who
 “ shall be accused of any violence or offence
 “ against the person, &c. of any of his Ma-
 “ jesty’s subjects, or to be aiding and assist-
 “ ing to the officers of justice in appre-
 “ hending such offender, in order to bring
 “ him to tryal.” Which penalty by the
 said act is, that the said commanding offi-
 cer shall be deemed and held to be *ipso facto*
 cashiered.—

That the convicting magistrates having
 given a formal communication of the said
 conviction to the Governor, it became his
 indispensable duty to give likewise a due
 and immediate communication of it to the
 whole corps of officers, which he accord-
 ingly did by a letter to Captain Gordon,
 on whom, as next senior officer, the com-
 mand had devolved, supposing the convic-
 tion to be valid, as it was determined to be,
 by the only Crown Lawyer then present* ;—
 in which letter the Governor did not fail
 to express both his great concern for what

Copy of the
 letter pro-
 duced.

No. 5.

ferently regulated : and this is another instance of Mr.
 Melvill’s ignorance of the law.

* This is grossly misrepresented, for Judge Brebner,
 the chief justice, declared the whole prosecution to be
 malicious and illegal.

had happened *, and to recommend earnestly such conduct on the part of the present accuser, and the rest of the officers, as he thought might be yet serviceable to him, the accuser.

That although the accuser submitted to the conviction, and did not endeavour to retain the command †, or dispute its having devolved on Captain Gordon, yet the Governor is now sorry (but forced) to say, that neither the accuser nor any of his military advisers did pay *that* regard to his (the Governor's) advices which he had earnestly wished.

That in consequence of it, the convicting justices, who had expressly and repeatedly declared their regret for having been under the necessity of performing so disagreeable a part of their duty against the said late Lieutenant Colonel, and had even intimated their wishes that the consequences should prove as little detrimental to him as possible, became uneasy at the behaviour and language held against them;—particularly on account of aspersions thrown upon them

* It requires a man to have been nursed in the cradle of hypocrisy to read such letters with common patience. Cromwell's praying for the King when he was going to cut off his head, is not half so fullsome.

† How was it possible to retain the command against the will of the Captain General?

with regard to the conviction, and therefore came to a resolution, for their own justification, of bringing it for an affirmation before the sessions, which were then upon the point of being held.

That when the Governor had notice of this design of the justices, being alarmed *, left after an affirmation by the Bench, which there appeared not the least doubt of happening, they should immediately direct a certificate of *it* to be transmitted by the clerk of the court, to his Majesty's judge advocate general of the forces, and thereby totally disqualify the said Lieutenant Colonel from being ever restored by the gracious pleasure of his Majesty, however deserving his future sentiments and conduct might render him of it, the Governor immediately, under all these feelings for the accuser's fate, consideration for his relations, and of respect for his Majesty's military service, wrote the said letter directed to the justices at the Court-house, but without the least idea that it could have any effect whatever on the justices in their judicial capacities, (as most

Copy of the
letter pro-
duced.
No. 6.

* This anxiety and alarm is indeed surprizing from a man who had been keeping this affair depending under a train of mysterious negotiation for five months, and who had it in his power to end the dispute in a moment, as he was himself the commanding officer, and could have ordered the man to be delivered up, when applied to by Colonel Johnstone for that purpose.

I

certainly

Copy of the private letter in which the former letter was inclosed, produced.

No. 7.

certainly it had not) but merely for the above mentioned purpose of preventing the immediate transmission of a certificate, which accordingly did not happen;—for the said letter of the Governor (which at the desire of the justices had been read in open court, having been sent enclosed to one of them, who was charged to give only a communication of the contents, at the time, and in the manner that should be thought proper) was regarded by the justices, and applauded as a most generous interposition on the Governor's part *, a circumstance which three of these gentlemen now in London would readily testify.—

That during the accuser's stay in the Island, for several weeks afterwards, till his departure for London, at which time the Governor was on his annual circuit, no better terms having ensued between the accuser and the justices, but on the contrary, the animosities between some of the officers and the body of Magistrates having exceedingly encreased; the Governor was, (almost

* This double plot renders the scene still more indignant to every generous breast: the Lieutenant Colonel asked no favor, but a fair tryal; the Governor had no right to interfere with his delicacy and humane feelings. Every English gentleman will see the hypocritical artifice in this letter, whatever effect it might have had upon judges educated in a different country, immediately)

immediately) after his return in July, officially applied to by the clerk of the peace, pursuant to a direction of the justices, to give the formal authentication by his, the Governor's, signature, and affixing the seal of the Island to the proceedings against the said late Lieutenant Colonel *; which proper officer at the same time *producing some papers as such, and as the affirmation*, certified with the said clerk of the peace's own signature, they received that of the Governor, and were immediately carried away by him in order to be transmitted.

* The seal of the island never was affixed, it was the Governor's private seal, and in that copy there appears many things added, which were never read in court; several omitted that were read, and particularly the dissent of the chief justice. The name of Arthur L. Pigott is forged, as he confesses himself, and therefore Mr. Melvill has used the following expression in his answer. "At the same time producing some papers *as such,*" "*and as the affirmation;*" but the forgery is too palpable to escape under such a general assertion. It may now be asked, why was not this produced as a charge? One gentleman in particular was strenuous in opinion, that it should have been produced, but it was alledged that the other charges were sufficient to get Mr. Melvill dismissed, which is all that was wanted; and it was further alledged, that considering the prejudices of some of the judges, it was possible, upon producing the true authenticated copy, in order to prove the other to be falsified, fabricated, and forged; that some person might have availed himself of that circumstance to litigate the conviction. There certainly is not the least reason for suspecting any of the judges capable of such meanness, and it is equally clear, that supposing they were, the whole is illegal, null, and void in every part.

That

ARTICLE VIII.

That the Governor, although he could by no means consistently with his public duty interfere to prevent this step of law, and which too if he had been capable of acting, from the dissatisfaction caused by the fruitlessness and ungrateful returns attending his former mediations, he should certainly not have regretted; yet swayed by the same *prevalency of generous and humane feelings*, he does confess his having interfered, and that he did prevail so far as to have the transmission previously made to Mr. Maitland, the colony agent in London, for his delivery of them to the judge advocate;—which being complied with, and the said Mr. Maitland, having understood (as it is supposed) by some benevolent hints sent him from Grenada, that provided the said Lieutenant Colonel should, on due reflection or by the advice of his friends, make such a written acknowledgment, as should be approved by a majority of Grenada proprietors in England, it might be sent to the Island *, where it was hoped, if it should appear just to the public characters

* The opinion which the gentlemen of the island entertained on this business, may be seen by the letter of the Assembly, of the 8th January, where it is called "that scandalous prosecution," and by a letter to Lieutenant Colonel Johnstone, from the principal inhabitants, in the Appendix.

ARTICLE VIII.

61

of the justices, and satisfactory for the support of law, it would be accepted of; and that in the mean time he might venture to delay the delivery of the certificate, &c. to the judge advocate general; a measure which the good disposition of Mr. Maitland concurring in, very probably produced the most favourable effects for the accuser. But as all consequences from this period seem not so immediately relative to the above letter of the 27th of April, or the Governor's conduct correspondent therewith, and may also be thought connected with a public point of great delicacy on the subject, perhaps remains undecided; — he judges it most proper here to end his detail — and for the same consideration of delicacy he shall neither give any account of the causes of the conviction, nor make any observations on the dispositions or conduct of the parties concerned. But after having vindicated himself, from any intent or endeavour, at any time to direct the justices in their judiciary capacities, he thinks it also due to those magistrates to say, that had he been capable of such attempts, they would have been rejected with just indignation; — and it seems here not improper to be remarked, that the justices of the peace in Grenada, as in other West India colonies, are not only by the nature of his Majesty's instructions with regard to their appointment and removal, but

ARTICLE VIII.

but by their being in general the members of legislature, and men of the greatest property, in a situation, even abstractedly from motives of duty, much above suffering such influence and direction as is implied against them in this article of accusation.

But to conclude—From what dictate of the head, or sensation of the human heart, could arise the accuser's attempt to add (for added it seems to have been) this last article, worked up into the form of a public accusation, while so conscious that it could not bear *that* of a personal complaint; is to the Governor, and he trusts ever will be, utterly inconceivable.

To the CONCLUSION.

Answer. From all which it appears, that the said Governor Robert Melvill, was *not*
 “ guilty of sundry illegal, grievous, cruel,
 “ oppressive, and unjust acts towards his
 “ Majesty's subjects, contrary to the known
 “ laws of the land, and derogatory to the
 “ high trust committed to him by his Ma-
 “ jesty's commission and instructions,” as
 has been accumulated against him with so much *benevolence, truth and decency*, in this concluding accusation.—

But on the contrary—that his administration in all these matters (as in all others) was not only directed by principles of *duty,*
law,

*law, justice and humanity**, but most zealously executed according to the best of his *knowledge and judgment* for the good of his Majesty's service, and the public interest; in competition with which it is notorious that he ever readily sacrificed his own *health, ease and fortune*;—a conduct which has been not only acknowledged in many warm and grateful addresses from those of the Islands he governed, but he presumes to flatter himself is the sole *foundation* on which he has been honoured with so many gracious marks of his royal Master's approbation. —Some errors he may have committed, but never wilfully, nor from the want of the warmest zeal for the King's service, and the public good; perhaps too when it is considered what an unparalleled task he had to perform, at such a distance, in such a climate, and in colonies so various, and so discordantly composed, with new legislatures, courts and establishments to create and carry on, factious struggles, uncommon embarrassments, and most perplexing

* It is imagined by some, that this peroration in favour of the justice, delicacy, diligence, zeal, knowledge, judgment, and integrity of the Governor, would have been believed from any body sooner than himself; but the Governor certainly knew his judges, and that he could not produce a stronger evidence for their conviction of mind than his own testimony.

CONCLUSION.

difficulties to surmount*;—and *that* so often in the want (from death or absence)

* The history of all the Colonies together, do not produce such innumerable instances of palpable absurdities in Government, as this of Grenada in three years under Mr. Melvill: we shall state a few of them in their order of enormity besides those in the charges.

FIRST, March 30, 1767, He has made the Council one and all take an oath that they will be true and faithful to his excellency Robert Melvill, “and that they will not conceal any treasonable or seditious speeches against his said excellency, but that they shall give speedy notice thereof unto his said excellency.” This we conceive to be a species of treason, which will invalidate all their acts.

IIIdly, In the oath he has taken as chancellor, which ought to be to determine according to equity and good conscience, he has sworn to determine “according to law.”

IIIIdly, In his ordinances before the Assembly was established, he has enacted various prosecutions for felony, and established regulations under which negroes were liable to the pains of death, under which many were executed contrary to law, and the King’s instructions, which restrains his powers to regulations, that do not affect the life, limb, or liberty of the subject.

IVthly, The honourable Valentine Morris Horne, attorney general, is sworn a member of the Council, but admitted to plead before the Council, as a court of error. This is incompatible.

Vthly, In his election ordinance, and afterwards in his election law, he has permitted and ordained that Councillors shall be the perpetual returning officers; which is a solecism in the politics of our Government, beyond any thing to be conceived.

VIthly, He exacted the capitation tax for the King’s own use, by his private secretary, notwithstanding the King’s

CONCLUSION.

of the most necessary public officers, and destitute of other assistance and support,— it may appear rather a matter of wonder* that his errors were not both *many* and *great*; and that it otherwise happened, he pretends not to ascribe to either uncommon capacity or knowledge; but to the carefulness, diligence, and integrity of views, with which he constantly acted.

But not to trespass further on your Lordships important time; — the said Governor

King's proclamation of the 7th of October, 1763, by which it is declared that the island shall be governed by the laws and constitutions of England:

VIIthly, He raised the 4 per Cent. by proclamation, notwithstanding in the other Caribbee islands it was really given and granted by act of Assembly, for fortifying the island and other public purposes of Government, notwithstanding it has been so shamefully misapplied since.

VIIIthly, After having determined that the new adopted Roman Catholic subjects had a *legal* right to vote for representatives of the Assembly, he proposed a question in Council whether it was *expedient* to admit them to the exercise of their right?

IXthly, He put up the office of Governor of St. Vincent's to a public poll of the inhabitants.

Xthly, He published a proclamation 19th February 1768, forbidding foreigners to resort to the island, and ordering several others to withdraw, though every other colony is winning them by premiums!

XIthly, He permitted his favourite Assembly to expell a member, Mr. Macvicar, on the most frivolous grounds, and to re-admit him again without a new election.

* The wonder will cease, if his friends can shew how he could possibly have committed more absurdities.

F

Melville,

CONCLUSION.

Melvill, fully confident that the truth of the above answers is clearly supported by the minutes of the Council of Grenada, &c. for 1767 and 1768*, and by other papers, (to which with the accuser he appeals) as well as by the *notoriety* of the facts themselves, he presumes to hope, that not only in just reparation to his fair character, so injuriously attacked, and in consideration of the peculiar hardships he has suffered from its being so † *distressfully* timed, —but also for the essential and necessary support due to his Majesty's representative and chief Governor, in a trust so difficult and important;

That your Lordships will be pleased to dismiss the said complaints or accusations, as not only frivolous and vexatious, but most malicious, false, and scandalous; or with such other censure as to your Lordships wisdom and justice shall seem fit.

All which is most humbly submitted to your Lordships, by

ROBERT MELVILL.

* It is clear from this, that the different minutes were transmitted. *May it be asked*, what then are become of all those that particularly relate to the articles of accusation?

† The time when Mr. Melvill was required to answer might be very distressful, namely on the 9th of January, 1770; but surely at the time of giving in the complaint in October, there could be no hardship in point of *time*. However distressful it may be *in itself to be obliged* to submit such answers to the judgment of men of *sense*.

REPLIES FOR
LIEUTENANT COLONEL JOHNSTONE,
TO THE ANSWERS OF
ROBERT MELVILL ESQ.

Governor and Commander in Chief of his
Majesty's Southern Carribee Islands.

GOVERNOR Melvill sets out with complaining that the charge against him was not preferred immediately upon his arrival, and that it has at last been given in, signed by one person only *.

The fact is, that the charges against Governor Melvill were prepared and ready to be given in before his arrival in England. But the complainant did not apprehend that Governor Melvill could have been permitted to return to Grenada, after having made use of his leave to come home upon a publick address of the assembly of the Island, which had been transmitted to his Majesty against him, especially an address of so strong a nature, as that of the 18th of March 1768, and also after the address to Uleßes Fitzmaurice his successor, of the

* In the name of the whole people signified by their representatives.

27th August 1768, equally complaining of the improper conduct of Mr. Melvill.

Besides this idea of his own, grounded on the above circumstances, the complainant was further informed by the Earl of Hillsborough and Mr. Pownal from time to time, that it was uncertain whether Governor Melvill would chuse to return or not, considering the animosity which subsisted in the Island; but the complainant was promised by Mr. Pownal * that he should receive the earliest notice, if Mr. Melvill should signify his intention of returning, which notice was accordingly sent to him by Mr. Pownal on Wednesday the 20th of September last, and immediately thereafter the proper memorials were given in, and no delay has happened since, on the part of the complainer.

With respect to the articles of charge being given in by the complainant alone; the fact is, that the complainant was appointed by the Assembly as their correspondent in England upon the publick business of the Island, by a vote of the 24th of December 1767, and he did accordingly receive two letters from Mr. Alexander Winniet the Speaker, in name of the house, and from Mr. Alexander John Alexander as Chairman of the Committee of Corres-

* Secretary to the Board of Trade.

pondence,

pondence, bearing date the 16th of January 1768, and 22d March 1768, both of them empowering him to make remonstrances to his Majesty's Ministers against Governor Melvill; in obedience to which he has taken the several steps of which Mr. Melvill now complains.

Mr. Melvill endeavours to screen himself under the pretence that he is not answerable for the proceedings of the Council, justices, or others: but in all complaints against Governors or chief Magistrates, they must be supposed responsible for the different branches of government under their superintendancy, and where they have expressed no disapprobation of notorious flagrant improper acts in justices, magistrates, Assemblies, or Council, they become responsible for them; but here it is evident, every act which Mr. Melvill could represent as liable to be imputed to these inferior branches of government, were abetted and promoted by himself, and are even now approved by his answer.

ARTICLE Ist. Mr. Melvill, in answer to this article, acknowledges the charge, at the same time that he endeavours to evade it.

— The Council, as a Privy Council, could not constitutionally signify any censure by publick resolutions published by their order in the Gazettes of the Island, upon the

proceedings of the House of Assembly, any more than his Majesty's Privy Council in England, could inflict and publish a censure upon the proceedings of the House of Commons.—As a House of Lords, indeed, such censures, however improper, would not have been unconstitutional, and it could only be in this legislative character, that they considered themselves as acting, on the present occasion, as evidently appears from the whole of the proceedings*.

ARTICLE II. Mr. Melvill also acknowledges the charge contained in this article; for he says a Committee of Council was appointed *with the necessary powers of sending for persons, papers, and records*; which power the complainant denies to belong to the Council of any of the colonies when sitting as a board of advice, and not in a legislative capacity; and he also denies the power of commitment for a contempt in disobeying their summons; and he denies their power of binding over any of

* The alternatives then are conclusive. If they acted in a legislative capacity, they could not constitutionally sit in that character. If they now assume another character of a Board of State and Advice, they committed sundry oppressive acts, incompatible with that situation, for which the Governor is more immediately answerable,

the subjects by recognizance, without regular complaint upon oath;—and such was the opinion of the Attorney and Solicitor General in the case of Mr. Douglas, committed by the Council of Jamaica, and relieved by Habeas Corpus, at a time when the Assembly was not sitting, so late as the year 1767. — The complainant is therefore justified in styling the meeting of the Council an illegal convention, (when exercising such powers) according to the determination of the House of Commons, in the case of the petition from the *President* and Council of Boston, presented last session of Parliament, which was rejected under that appellation, and only received as the petition of individuals.

It appears by the minutes of Council, signed by Mr. Somerville the clerk, that the warrant against Mr. Cazaud was signed in presence of Mr. Melvill *, which makes him responsible.

The case alluded to of Gul. 3, said to have been decided in the House of Lords, does not apply: the act of Parliament for making Governors, &c. of the colonies, answerable in the courts of law here, did not pass till the 11th year of William and Mary.

If the doctrines Mr. Melvill lays down, and the facts he avows, are to be vindi-

* This also appears by the warrant.

cated, with respect to the powers and proceedings of the Council, there would exist in every colony abroad, a court in all respects similar to the odious Star Chamber, so long ago abolished in England *.

ARTICLE III^d. Whether the Assembly did right or wrong in the committing of Walter Robertson, is not the question; the complainant thinks they did right; but what he contends and insists upon is, that the Governor, as Chancellor, cannot relieve from a commitment by the house of Assembly for a breach of their privileges, any more than the Chancellor or Judges here, can from a commitment by the House of Commons. — Without such an uncontrollable power with respect to commitment for contempt and breach of privilege, the Assemblies would be rendered insignificant, and exposed to every insult, as well as rendered dependent on the Governor; and the remedy, in case of their abuse of such uncontrollable power of commitment, is by a dissolution or prorogation: but so far is it from being true, that the question was decided against this power in the case of Governor Lyttelton, and the Assembly of Jamaica, that the Assembly insisted that his

* By the 16th Charles I. chap. 10.

successor should enter a *vacator* in presence of two of their Members, upon all Governor Lyttelton's proceedings on that matter in Chancery, before they would proceed to any publick business, which was accordingly done *.

ARTICLE IVth. The complainant conceives that Mr. Melvill's answer proves every material circumstance in this article of charge relating to Augustine, because none of the circumstances referred to by him, which are by no means admitted, could justify the passing a Bill of that nature in so precipitant a manner, which from taking its rise in the Council, must be supposed to have sprung more immediately from the Governor; especially as the publick accusations mentioned in the Minutes of Assembly, and afterwards confirmed by the presentment of the Grand Jury, were then stated as an objection to passing the Bill till the matter should be enquired into. If the charges of murder or rape were true, Augustine did not fall under the act of indemnity, as persons guilty of such crimes are excepted.

It is true that the matter was doubtful whether negroe evidence could be admitted

* After the island had undergone a convulsion of two years, and refused the usual supplies to the King's troops, till the Governor was recalled.

against

against Augustine, after he was liberated, and it was that doubt which prevented the presentment of the Grand Jury for so long a time, but still the complainant insists that this was the only reason that could induce so great a precipitation in passing the Bill by surprize; and the complainant submits whether the presentment of the Grand Jury consisting of 37 persons, and the absconding of the offender, though protected by the Governor, does not amount to the strongest presumption that he was guilty of the crimes charged against him.—And the precipitant passing of the Bill, the complainant still conceives to have been contrary to his Majesty's instructions, which regards all sorts of private property.

ARTICLE Vth. Mr. Melvill in his answer to this article maintains the propriety of torture to extort confession from slaves, and he also maintains the authority of the *Code Noir*;— though at the same moment he acknowledges his subsequent conviction of mind that the slaves were innocent, yet all of these miserable men did by means of the torture confess themselves guilty, and three of them actually died in confinement in consequence of the cruelties they had endured. Since these were Mr. Melvill's sentiments, it is no wonder that he thought it improper to remove those justices of peace, who

who were capable of exercising such barbarity.

ARTICLE VIth. Mr. Melvill acknowledges his having *signified* to Lieutenant Ross the commitment, which, he says, had been previously ordered by the Council, by which however he took the act upon himself, and it lies upon him to show by what offence this gentleman deserved the Star Chamber proceedings against him.

ARTICLE VIIth. Mr. Melvill does not *assert* that Mr. Symson acted without his knowledge and approbation, and indeed it is incredible that a person so nearly connected with him as his private Secretary, would have taken such a step without his express approbation, and Mr. Melvill even ventures to justify this act of Mr. Symson; whether the reasons which he gives are of any weight, in vindication of a measure which tended to excite such inveterate animosities on the subject of religion in an infant colony, inhabited chiefly by new subjects, must be submitted.

ARTICLE VIII. As Governor Melvill has confessed that he wrote the letter alluded to *, and that it was publicly read in court,

* Vide the letter in the Appendix,

your

your Lordships must judge, whether such an application on any pretence by a Governor to a court of justice, is not subversive of every idea of the purity and independency which ought to exist in judicial trials. —But what renders this letter particularly offensive, to every gentleman is the pretended moderation and humanity expressed in it by the person who was known to be the instigator of the whole proceedings, which were condemned by every man of character in the Island. In this letter the principal point in issue, namely whether the conviction was *legal or not?* is taken for granted, though upon the tryal, the Chief justice, Mr. Brebner, the only Member of that court who was conversant in legal proceedings, declared the whole steps taken in that affair to have been *illegal* and malevolent.

It appears too by this answer, that Mr. Melvill acknowledges his having deprived Lieutenant Colonel Johnstone of the command of the regiment, and transferred it to Captain Gordon, merely upon the pretended conviction by two justices; —though the mutiny act gives no effect to such conviction, till it has been affirmed and carried through other subsequent steps, even supposing that section of the acts had extended to America.

APPENDIX.

PAPERS which were read before the committee of his Majesty's Council at the Cockpit, to prove

ARTICLE I.

‘ MINUTES OF COUNCIL *.

‘ FRIDAY the Fifteenth of JANUARY, 1768.

‘ P R E S E N T.

‘ The Honourable

‘ Robert Turner,	‘ Frederick Corsar,
‘ John Graham,	‘ Valentine Morris Horne,
‘ Patrick Maxwell,	‘ Peter Gordon, and
‘ William Lindow,	‘ John Harvey,
	‘ Esquires.

‘ THE minutes of the 11th instant being read and approved, the honourable Rob. Turner, Esq. chairman of the committee appointed the 4th instant, to take into consideration “ The present unhappy state of this island, and to report their opinion of the most effectual means of quieting the heats and distractions at present subsisting therein,” acquainted the board, That since their previous report, of the 11th instant, they had proceeded to, and finished the consideration of the matters referred to them, and laid the following further report before the board :

‘ That it is the opinion of your committee, that his majesty's natural-born subjects of this colony, have the greatest reason to be alarmed at the late attempt made by a number of his majesty's new-adopted Roman Catholic subjects, to intrude and force themselves into the legislature, and consequently into

* When the Assembly stood prorogued.

“ offices and places of trust, in opposition to the laws
 “ of Great-Britain, and to an express act of the legis-
 “ lature of this colony ; which attempt we cannot but
 “ consider to be not only most undutiful to his majesty,
 “ (as being in direct contradiction to his royal com-
 “ mission and instructions, under which authority
 “ alone that legislature is constituted) but likewise evi-
 “ dently dangerous to the safety of these islands.

“ That it appears to your committee that the pre-
 “ sent assembly, chosen almost entirely by the said
 “ new-adopted Roman Catholic subjects, seems to
 “ have encouraged them in this audacious attempt, as
 “ appears by their sending to prison one of the judges
 “ of the court of common-pleas for these islands, (who
 “ acted as returning officer for the town of St. George)
 “ for refusing to confess at the bar of their house,
 “ That he had been guilty of a breach of their privi-
 “ ledge, in refusing, in an illegal and unconstitutional
 “ manner, to admit as a candidate for the said
 “ town, Jean Baptiste Demonchy (who was known
 “ by the returning-officer to be a professed Roman-
 “ Catholick) and for refusing to acknowledge and ask
 “ pardon for his fault ;” although it appears to your
 “ committee, that the said returning-officer acted
 “ agreeable to an act of the said islands, and conform-
 “ able to the advice of his majesty’s attorney-general,
 “ whose opinion of the true construction of the said act
 “ he had the precaution to take ; and likewise, by
 “ committing to prison Mr. Nethercott, one of the
 “ magistrates of this island, for refusing to confess at
 “ the bar of their house, “ That he had been guilty
 “ of a breach of the privilege of their house, by his
 “ illegal and disorderly behaviour at the said election,
 “ and to ask pardon for his fault ;” although it appears
 “ to your committee, that the said magistrate acted as
 “ became his station, in committing to the custody of
 “ a constable, one Mr. Cazaud, who was no free-
 “ holder of the town of St. George, and who was dis-
 “ turbing the freedom of the said election ; which pro-
 “ ceedings of the house of assembly, appear to your
 “ committee to be fatal to the properties and liberty of
 “ his

his majesty's subjects, as it is evident what dreadful consequences must arise from any one branch of the legislature of these colonies arbitrarily assuming to themselves the power of committing to prison judges and magistrates, though acting, to the best of their judgment, agreeable to the laws of Great-Britain, and the acts of the legislature of this colony; or from either branch of the legislature creating, by votes or declarations, priviledges to themselves; not warranted by the constitution or laws of these islands.

Your committee cannot likewise but represent the very extraordinary proceedings of the house of assembly, with respect to a very dutiful address, signed by far the greatest part of his majesty's natural-born subjects of this island, and presented to his excellency, and the board at a time, that no assembly existed; setting forth, their just alarm at the late attempt of the new adopted Roman Catholick subjects, to intrude and force themselves into the legislature, &c. and likewise setting forth their bold presumption, in delivering a paper, called a Protest, wherein they deny the authority of laws, made with the consent of their own representatives, and the power of legislature established by the king's commission and instructions, to make acts to bind them, and praying his excellency and the board, to take such measures to defeat the said attempt, as to his excellency and the board should seem meet.

Your committee cannot but consider the right of petitioning the crown, or the crown's representatives, or any branch of the legislature, as the inherent and indubitable privilege of every British subject.

Yet the assembly, from the nature of a message sent to his excellency, requiring a copy of the said address, and from the proceedings of their committee of grievances thereupon, seemed to have viewed this transaction in a criminal light.

For it appears to your committee, that the committee of grievances of the said assembly did summon before them a number of the said petitioners, where they

‘ they were examined in a manner that induced them
‘ to believe that they had incurred the disapprobation,
‘ and were become objects of the displeasure of the said
‘ house of assembly, to the great uneasiness and dis-
‘ quiet of the said petitioners ;

‘ Which proceedings are manifestly subversive of the
‘ necessary, inherent, and legal rights of every British
‘ subject, as established by the bill of rights.

‘ Resolved, unanimously, That the said report be
‘ approved.

‘ The board having duly considered the matter of
‘ the said report, came to the following resolutions :

‘ Resolved, unanimously, That the late attempts of
‘ his majesty’s new-adopted Roman Catholic subjects
‘ of this island, to intrude themselves into the legis-
‘ lature, is a manifest violation of the laws of Great-
‘ Britain, and of the constitution and laws of this
‘ colony.

‘ Resolved, unanimously, That neither branch of
‘ the legislature have power, by vote or resolution, to
‘ create to themselves privileges not warranted by the
‘ constitution and laws of these islands.

‘ Resolved, unanimously, That either branch of
‘ the legislature committing to prison any of his ma-
‘ jesty’s subjects, upon privileges created to them-
‘ selves, by vote or resolution, not warranted by the
‘ constitution and known laws of these islands, is sub-
‘ jecting his majesty’s subjects, and the freedom of
‘ their persons, to most arbitrary determinations,
‘ highly destructive of their liberties.

‘ Resolved, unanimously, That it is the inherent
‘ right of every British subject, humbly to address his
‘ majesty, his majesty’s representative, or either branch
‘ of the legislature, for the redress of grievances, or
‘ the prevention of any evils they may be apprehensive
‘ of.

‘ Resolved, unanimously, That it is the opinion
‘ of this board, that from the unhappy state of this
‘ island, on account of the violent animosities subsist-
‘ ing between the old and the new subjects, occasioned
‘ by the undutiful and unconstitutional conduct of the
‘ latter,

‘ latter, and by the late very extraordinary proceedings of the assembly, there is no prospect that any public legislative business will be carried on for the good of these Islands, until his majesty’s pleasure shall be known on these matters. And we do therefore recommend to his excellency, forthwith to transmit to his majesty a copy of the report of the committee, and of these resolutions.

‘ Resolved unanimously, *That the Printer be desired to print the report of the committee and the minutes of the council, as far as relates to this matter, forthwith, and the members of the council will take care to defray the expence thereof.**

Answers of the Assembly to the foregoing Minutes of Council, by their Resolutions of the 18th of March, which were refused to be read,

‘ Extract from the Minutes of the Assembly, on Friday the 18th March, 1768.

‘ Then Mr. Robert Young moved, and was seconded by Mr. Bourryau, that the house do immediately resolve itself into a committee of the whole house, to take into consideration the minutes of the council of the 11th and 15th of January, and the 7th of March, and other matters relating to the privileges of this house.

‘ Then the house resolved itself into a committee of the whole house, and after having spent some time therein, Mr. Speaker resumed the chair, and Mr. Wm. M’Intosh reported from the committee, that after many discussions and debates, they had come to several resolutions, which he was directed to report to the house, when they will be pleased to receive the same.

‘ Ordered, That the report be now received.

* Is it possible, after reading this last article, to say, that the Council of Granada conceived they were acting as a Privy Council, or a Board of Advice?

Then Mr. Macintosh in his place read the same, and afterwards delivered it in at the table, where it was again read, and is as follows: viz.

1st. Resolved, That it is a false and scandalous aspersion, and a high breach of the privilege of this house, to assert, that the late proceedings of the assembly against Walter Robertson and John Nethercott, Esqrs. tended to inflame and increase the heats and distractions, which have arisen in this Island: these heats and distractions, having arisen solely from the council arrogating to themselves, privileges which are unconstitutional, and inconsistent with their office of counsellors, by perpetually interfering in elections, summoning before them voters; there denying them counsel, or even permitting them to speak in their defence; committing one gentleman of considerable property to the common gaol for refusing to answer them questions concerning his behaviour at an election; binding over several voters to the grand sessions, for matters which happened at an election, and for which they never attempted to prosecute them; it being notorious, that the smallest breach of the peace had not been committed.

2d. Resolved, That it is a malicious aspersion, and a high breach of the privilege of this house, to assert, that the members of the present assembly, have been chosen almost entirely by his majesty's new Roman Catholic subjects; and that it is notorious, that the elections were unanimous for the whole members serving in this present assembly, except for the town of St. George, for the parish of St. George, where there were only two dissenting votes, for the parish of St. Andrew, and for the island of Carriacou, where the members chosen met with little opposition, and consequently, that there hardly ever was a general election in Great Britain, or in any colony, more unanimous.

3d. Resolved, That is equally false, and a high breach of the privilege of this house, to assert, that this house has encouraged his majesty's new Roman Catholic subjects, to intrude and force themselves

into the legislature, and consequently into places of trust and profit, by committing to gaol John Nethercott and Walter Robinson, Esqrs. when it is well known, and the council themselves must be conscious, that they were committed for a contempt, in refusing to submit to the mildest sentence that could possibly be passed upon such offenders; to acknowledge their fault and beg pardon of the house, which mild sentence was passed upon them, purely to maintain the authority of this house, in matters of election, and to prevent returning officers, who are generally members of the council, assuming to themselves the power of judging of the religion and qualifications of candidates; the law having already fixed a penalty upon Roman Catholics, or such as are not qualified for offering themselves candidates, and this house having the *sole* right to judge in these matters.

4th. Resolved, That it is a gross aspersion, and highly indecent for those gentlemen who sat in council the 15th of January, to accuse this house of having created, by votes and declarations; privileges not warranted by the usage of parliament, or the laws of this colony, and subversive of the liberty of the subject. This house having asserted no privilege whatever, but that of being the sole judges in every thing relative to elections, which privilege is confirmed to them by a law of this colony.

5th. Resolved, That it is a high breach of the privilege of this house, for the council to pretend to judge in what light the assembly viewed a memorial presented to his excellency; and that the council have no right to take cognizance of any transaction of this house until it shall come properly before them; and further, that they have misrepresented the proceedings of the committee of grievances, upon the memorial in question, in the grossest manner.

6th. Resolved, That some of the gentlemen who sat in council the 15th of January, have prostituted the right of the subject to petition*, by promoting

* Vide Captain Peter Gordon's letter.

‘ and encouraging subscriptions to a memorial addressed to themselves, visibly intended to raise jealousies and fears, entirely groundless, to create distinctions between the old and new subjects, and to drive the latter out of the colony, at the same time, complimenting themselves, by casting the most illiberal reflections upon the representatives of the people.

‘ 7th. Resolved, That it is illegal and unconstitutional for those gentlemen to assume to themselves a power of meeting as a part of the legislature, when the assembly stood prorogued, and, by votes and declarations, endeavouring to fix a brand upon the only solid foundation of British liberty, *A free Assembly*; and when that assembly had no opportunity to justify themselves to their sovereign or constituents, by answering such outrageous abuse.

‘ Then Mr. Alexander moved, and was seconded by Mr. M^cVivar, that this house do agree to the above resolutions, which was carried in the affirmative.’

Replies of the Council of Granada on the 15th of April, to the aforesaid Answers of the Assembly on the 18th of March, together with the rejoinder of the Gentlemen of Assembly when met in their private capacity; both of which were *refused to be read*.

‘ M E M O R I A L, OR

‘ A C C U S A T I O N of the Council.

ARTICLE I.

‘ **W**E the Members of his Majesty’s Council for the Islands of Granada and the Granadines, find ourselves under the disagreeable necessity of justifying our conduct against the unjust aspersions, and wilful misrepresentations of the House of Assembly, which appear in their minutes of the 18th instant; and by a paper which they have thought proper to dignify with the title of *An Address to our most gracious Sovereign*, but which we think might, with

‘with much more propriety, be entitled, *A Libel against your Excellency and the Council*; and which address they have very indecently, and with much disrespect to the crown, ordered to be printed and published in the news paper.’

ANSWERS of the Members of Assembly, to the accusations of the Council.

ANSWER I.

‘THAT the Assembly have transmitted an Address to the Crown, complaining of the conduct of Governor Melvill, and the Council of Granada, is most true.—That it merits to be entitled a libel, we deny.

‘It is not on the mere assertion of the Council, or Assembly, or of Governor Melvill, that the disputes between them are to be determined, but on a strict examination of facts.

‘The Assembly have an undoubted right to complain to their Sovereign, both of his Governor and of his Council, supposing the one or both should act contrary to law, or the good of the community entrusted to their care.

‘That in managing these complaints, the respectable situations of the Governor, Council, and Assembly, are such, as require the utmost decency of expression, (so that the truth is not stifled) no man will deny, who has ever thought properly on those subjects.

‘But who were the first trespassers upon the rights of the others? Who first passed the line of decency and of dignity, in those disputes? Whether the Address to the King was well or ill founded? Whether the preceding provocation from the Council was sufficient to vindicate the manner of expressing our complaints?

‘All these are the matters in issue, which we desire may be thoroughly examined,

‘ Respecting the printing the Address to the King, before it had been presented to his Majesty; every one knows that the proceedings of an Assembly cannot be kept secret:—That the printing or not printing is therefore extremely immaterial in itself.

‘ But so far as depended on the Assembly, to shew the fullest respect to his Majesty, it is a notorious fact, that the Address was not published by order of the House (as is asserted by the Council) but by a mere inadvertency of the clerk, and this was proved in the most satisfactory manner, on the fullest examination, the very next day; and therefore it would appear, that the Council seem to be conscious of great weakness in the essential points, when they revert to matters of such trivial consequence; and which cannot make any difference in the actual state of the present disputes.

‘ ART. II. For this purpose, we beg leave to lay before your Excellency, a copy of our minutes in Council since the 18th of November, when your Excellency was pleased to call us together, to consult upon matters which you justly thought of great importance to the welfare of this colony.

‘ ANS. II. By this the Council would insinuate, that as they were called together by order of his Excellency the Governor, that therefore they were to be vindicated in every thing they did in consequence of his directions, and particularly in resolving themselves into a branch of the legislature, as he desired it.

‘ But it is to be remembered, that there are certain things the Governor can do, and certain things he cannot. He may call the Council and Assembly together when he pleases; but he cannot call one branch of the legislature, without assembling the other.—To compare great things with small; the King could not assemble the House of Lords, in their legislative capacity, without calling the Commons. Both must be done by proclamation, not by private summons.

‘ The

“ The confusion arising in the minds of his Majesty’s Counsellors of Granada, proceeds from this, that the majority of them cannot distinguish between the several capacities in which they act at different times, and on different occasions, having (though the same men) very distinct and very different authorities. Such a multiplicity of honours really confounds men unaccustomed to think becoming the dignity of such stations.

“ To be more particular concerning the various capacities of the Council in the Colonies, we shall enumerate them :

“ *First*, They are as a Privy-Council to the Governor, to advise him relative to acts of state ; here their authority is very much circumscribed, by the act of Charles I. regulating the power of the Privy Council, and abolishing the Star-Chamber ; and in this light all the summonses, commitments, and apprehensions, for contempt or non-appearance, practised by the Council of Granada, are illegal.

“ Their power is no more, and in many cases not so much, as a common Justice of Peace, their office (as is said before) being chiefly to advise in the execution of the King’s prerogative ; for which purpose, they ought to be well acquainted with the natural ties of civil society, and the constitution of government under which they live.

“ But if they are acquainted with neither of these, we shall certainly find mistakes very like those committed by the Council of Granada.

“ It was their duty in this capacity, to have advised the Governor, if he was so ignorant himself of the first principles of the Constitution ; not to have exposed himself, and the government under his direction, to the ridicule of all men of sense, in calling one part of the legislature without the other.

“ But if their advice could not prevail, to prevent his Excellency from issuing such an order, they should, when met in their legislative capacity, have remonstrated against the absurdity, and shewn, at least,

‘ when left to themselves, that they knew something
‘ of the duties of their station.

‘ The *second* duty of the Council is as a Court of
‘ Error. Here the doors should be open, and they
‘ have the privilege of punishing for contempt, inci-
‘ dent to other Courts of Justice.

‘ In Granada some of them are likewise constituted
‘ Commissioners in conjunction with his Excellency,
‘ for discharging the duty of Chancellor : And here
‘ the powers incident to the Court of Chancery belong
‘ to the whole in the commission, not to each parti-
‘ cular Member, as has been practised in Granada †.

‘ The last duty of the station of a Counsellor, and
‘ the most important, is that of a Member of the le-
‘ gislature, entrusted with the life, limb, and pro-
‘ perty of his fellow-subjects. Here he is to act to-
‘ tally independent of the Governor. The body has
‘ privileges annexed by the British Constitution to that
‘ part of the Legislature ; but cannot extend them *arbi-*
‘ *trarily* to punish sedition, or any other misdemeanor
‘ except a breach of the privilege of that order of the
‘ society. Any other fault, against the whole com-
‘ munity, must be punished by the general Laws of
‘ the Community.

‘ ART. III. As to the first resolution of the Assem-
‘ bly, we must observe, That it is obvious to your
‘ Excellency and the world, that their proceeding
‘ against Mr. Robertson and Mr. Nethercott, in sup-
‘ port of the illegal pretensions of *professed and notorious*
‘ *Roman Catholics*, must necessarily tend to inflame and
‘ increase the heats and animosities between the old
‘ and new subjects ; and that the attempts of the
‘ latter, to intrude themselves into the Legislature,
‘ seem evidently to be supported and encouraged by
‘ the proceedings of the House of Assembly.

‘ Ans. III. The key to the whole of these pro-
‘ ceedings is this : The Governor having, by a con-

‘ † The Act of the Colony constituting the Council as a Court
‘ of Chancery, in association with the Governor, has been rejected by
‘ the Sovereign.

' continued scene of artifice, and public professions of
 ' humanity, and general benevolence, played one
 ' party against another, and established such laws and
 ' regulations as were consistent with his own ideas,
 ' (specimens of which may be seen by the † laws them-
 ' selves) and having gratified, in many instances, his
 ' own private revenge, under the fairest pretences of
 ' public justice, the gentlemen of the island, who had
 ' not before chosen to interfere in the politics of Gra-
 ' nada, perceiving the entire confusion into which all
 ' government was running, and the wanton prostitu-
 ' tion of power that was exercised, and the notori-
 ' ous deceits that were practised upon the public;
 ' resolved to make a stand becoming their characters,
 ' and accordingly commenced the opposition, which
 ' threw out the whole of Mr. Melvill's Members ex-
 ' cept three.

' Finding an Assembly constituted with such dispo-
 ' sitions, it became necessary to impeach them in some
 ' way or other, in order to support the pretended po-
 ' pularity which Mr. Melvil had communicated of
 ' himself to England, and likewise to over-awe the
 ' inhabitants, in case of a dissolution. For this pur-
 ' pose, the illiberal cries of a difference in religion
 ' were raised, for the first time, in a West India
 ' island. The power of the Pope, declining in every
 ' other part of the world, was alledged to be rearing
 ' its head in the island of Granada.

' Many laws passed in the most barbarous times of
 ' ignorance and enthusiasm, were translated and pasted
 ' up through the country; and every means were
 ' taken to terrify innocent subjects out of their senses,
 ' and to cause the inhabitants to regard a French
 ' Roman Catholick, as something criminal in the
 ' society, and that the penal statutes were immediately
 ' to be put in execution.

' Petitions were accordingly handed about, as in the
 ' times of Cromwell. Nay, the officers and soldiers,

† Many have been rejected by the King, and almost all the others
 have been either repealed or amended by the present Assemblies.

' assembled

‘ assembled on the parade *, were requested by the
 ‘ commanding officer, (a Member of the Council)
 ‘ to petition and join against malignants: But both
 ‘ officers and soldiers were deaf to such entreaties.

‘ Mr. Alexander Simpson, private secretary to Go-
 ‘ vernor Melvill, himself educated in Holland, and
 ‘ mixing with all religions, and never noted for espous-
 ‘ ing any until the present trying occasion, was proved
 ‘ to be the person most active in promoting this peti-
 ‘ tion, and collecting persons the most improper, even
 ‘ transient sailors, to sign it †.

‘ His Majesty’s ministers will therefore judge,
 ‘ whether those who endeavoured to unravel and
 ‘ expose such meanness and hypocrisy, by a thorough
 ‘ and public examination, or those who first endea-
 ‘ voured to raise such odious distinctions, are to be
 ‘ charged with inflaming and encreasing the heats and
 ‘ animosities between the old and new subjects?

‘ What demonstrates the truth in this contention,
 ‘ beyond a possibility of contradiction, is the following
 ‘ fact, appearing in evidence before the assembly, upon
 ‘ the testimony of Mr. Devoconu, and Mr. Demonchy,
 ‘ two new subjects, who severally declare, “ That no
 ‘ Member of the present Assembly had ever given
 ‘ them any encouragement to think that Roman
 ‘ Catholics would be admitted as Members of the
 ‘ Assembly. But that Governor M—ll had always
 ‘ given them great encouragement to expect it; and
 ‘ even told them that they might depend on him in
 ‘ this respect.”

‘ They even produced a vote in the second Assem-
 ‘ bly, made, we presume, in concert with Governor
 ‘ Melvill, where Mr. Pigott moved, and was se-
 ‘ conded by Mr. Robertson, though the former is the
 ‘ first name at the petition against the new subjects,
 ‘ and the latter is the very returning officer now in
 ‘ question, *and who is so much alarmed*, to allow the
 ‘ same privileges to the new subjects which the old

* See the Letter from Captain Gordon to the 70th Regiment.

† Vide the examination of Moritz Hartman, and Harry Monro, taken before the Assembly.

‘ were intitled to; and though leave was given to
 ‘ bring in this bill, it was never produced. From
 ‘ whence it would appear, since those members were
 ‘ the known dependants of Governor Melwill, that the
 ‘ Bill had been dropt by a counter artifice. Yet still
 ‘ the sentiments of those three eminent personages are
 ‘ notorious, and should at least preclude them from
 ‘ joining in those illiberal attacks, founded on difference
 ‘ of religion, at this time so industriously propagated.’

‘ ART. IV. And it is equally obvious, that what
 ‘ the House of Assembly asserts, of the Council’s in-
 ‘ terfering in elections, by calling before them voters,
 ‘ denying them counsel, or leave to speak in their own
 ‘ defence, is utterly void of foundation. We are at
 ‘ a loss to know what instance they allude to; and
 ‘ we are persuaded, had they known any, they would
 ‘ have mentioned it.

‘ If *perhaps*, they mean the case of Mr. Cazaud,
 ‘ it is manifest from our minutes, that he was sum-
 ‘ moned to appear before the Council, not as a voter,
 ‘ he having no vote in the town of St. George; but
 ‘ as a seditious person, publishing a libel against the dif-
 ‘ ferent branches of the Legislature; and that it was
 ‘ for disobeying the summons of the Council, and for
 ‘ other contempts to this Board, that he was com-
 ‘ mitted to prison, till he made a proper submission.

‘ It is also apparent from our minutes, that the
 ‘ other persons who signed the protest, were likewise
 ‘ required to appear before us, not as voters, but as
 ‘ persons under the same circumstances with Mr. Ca-
 ‘ zaud, for which the Council thought proper to
 ‘ bind them over to answer at the next ensuing court
 ‘ of King’s-Bench, and Grand Sessions, when, though
 ‘ highly culpable, they were discharged, and their
 ‘ recognizances cancelled, at the desire of the Coun-
 ‘ cil, for reasons given in our minutes of the 7th of
 ‘ March; and we sincerely wish, that the good
 ‘ effects which we might naturally expect from our
 ‘ lenity, may not be prevented by the same evil
 ‘ minded men, who first led them into that unhappy
 ‘ mistake.’

‘ ANS. IV. The Assembly do undoubtedly mean
 ‘ the case of Mr. Cazaud, which is perhaps the most
 ‘ tyrannical, confused and illegal series of proceed-
 ‘ ings, that ever were transacted by any men, taking
 ‘ upon them the management of a British Colony.
 ‘ The Council could only sit there as a Privy Council,
 ‘ and indeed the only power they had, in that capa-
 ‘ city, was merely to examine into offences against
 ‘ the government, and there could be no breach of
 ‘ privileges to that body, nor any punishment for
 ‘ disobedience of summons, nor for distant contempt,
 ‘ therefore committing him to prison, without hav-
 ‘ ing been guilty of any offence in view of the Coun-
 ‘ cil, or being charged on the oath of any other
 ‘ person, or on his own confession, but merely by the
 ‘ authority of the Council, was illegal.

‘ If the Council pretend they sat in their legislative
 ‘ capacity, it is again affirmed, they were illegally
 ‘ assembled, as the former assembly was dissolved,
 ‘ and the writs for the new assembly were not re-
 ‘ turnable until some time after; and therefore every
 ‘ act they did was absurd.

‘ Thus the merits stand upon the general view;
 ‘ but when we look into the particular case, how
 ‘ much more glaringly factious and ridiculous does
 ‘ the conduct of the Council appear?

‘ Mr. Cazaud, as an agent for others, apprehended
 ‘ that certain privileges were granted, or belonged to
 ‘ himself and other inhabitants of the island of Gra-
 ‘ nada. At the election for the town of St. George,
 ‘ they severally claimed those privileges: Their re-
 ‘ quest was denied: Upon this they take a protest,
 ‘ according to the form of the civil law, under which
 ‘ they had been brought up, stating the facts, and
 ‘ asserting their claim. It is no matter whether this
 ‘ claim was well or ill founded. It was to be sub-
 ‘ mitted to calm discussion in another place, and un-
 ‘ doubtedly before the Assembly, where alone it was
 ‘ cognizable in this island.

‘ If asserting that to be law, which proves to be
 ‘ otherwise, is a matter sufficient for commitment,
 ‘ every

every counsellor for a client, who pleads upon false ideas, might be committed, and there would be an end of all examination and discussion.

This is said, upon admitting that the claims of Mr. Cazaud and his associates were actually wrong, which is far from being the case. The law of Granada*, it is true, has denied Roman Catholics the privilege of sitting in the Assembly. But the particular test is to be administered upon taking their seat.

A returning officer is always to be considered as much ministerial as the nature of his office will possibly admit. He is merely to administer the different oaths and declarations which the law has required; some oaths are prescribed at elections, others upon entering the house of Assembly. If the parties are willing to take those of electors, he has no power of further examination. This must lie with the Assembly, otherwise the returning officer would have the entire power of Elections: But the whole of this confusion arises from the absurdity of permitting Members of the Council to interfere, in any shape, with elections: nor can there be a greater solecism in government, than that which is exhibited in Granada, under the benign auspices of General Melvill, where they (the Council) both act as returning officers, and give their votes for Members of Assembly.

If Mr. Cazaud had been guilty of sedition, the proper jurisdiction for bringing him to trial, was the Justices of the Peace. If he was to be tried by the Council, for publishing a libel against the different branches of the Legislature, the Assembly had a right to be consulted as one of the branches, therefore the enquiry of the assembly was pertinent; but really this commitment of Mr. Cazaud, "*for Sedition and other contempts to this Board,*" puts us in mind of a story we have read of a Justice of Peace in England, who having frequently suffered for ille-

* Since rejected by his Majesty.

gal commitments, and being told that he alone was Judge of Contempts, always added in his future warrants, after stating the charge, "*and for other Contempts against me the said Justice of Peace.*" But this, upon a subsequent trial, being proved to be his general words, they held him in no benefit, and he was fined for the fifth and last time, until he left off business.

The alledging that Mr. Cazaud and the other gentlemen were not called before the Council as voters, is a subterfuge of the poorest kind. The matter happened at an election, the dispute was relative to the right of voting, and yet it is pretended that the enquiry had nothing to do with those subjects.

The pretended lenity of the Council on this occasion, in discharging the prisoners, and cancelling their recognizances, after a secret examination, and finding that exclusive of the petitioners against the signers of the Protest, (who by that act, had not only pre-judged, but precluded themselves,) juries could not be found to find bills of indictment, is like the mercy of the Empress of Russia, Elizabeth, who after stating some trifling offence against a criminal, for which it is there declared, he justly deserved to die, concludes the manifesto with saying, "*But We, from our pious resolution at mounting the throne, having determined against taking away the lives of our subjects, have now only resolved in our great clemency, that his legs and arms shall be struck off, and the remaining parts of his body confined in a dungeon for life.*"

If the Assembly did not recapitulate the particular cases where the Governor and Council have interfered in elections, it was owing to the notoriety of the numerous instances which have happened. There is not a man of any consequence in the island that cannot now produce many letters in General Melvill's own hand-writing to that purpose. The transaction of buying Mr. Pinnell's Estate, after the poll was opened for the election for the parish
of

of St. John's, at which Mr. Graham a member of
 the Council was returning officer, by which votes
 were multiplied on the spot, and Mr. Robertson,
 though not possessed of a qualification, was returned
 a Member for the second Assembly, is another case.
 The behaviour of Mr. Jones, a *Member of the Council*
and returning-officer, at the election for St. David's,
 who refused all the French votes that were against
 the Governor's Candidates, under pretence of their
 not having certificates that they had taken the oaths,
 though he himself had, at two former elections,
 taken the same votes, and had the former polls then
 before him, and his having actually appointed and
 sworn in freeholders as constables, though not named
 as usual by the Courts of quarter or general sessions,
 who refused to vote for the Governor's candidates,
 and also his refusal of the vote of a Protestant, who
 had but a few days before resigned his seat in the
 Assembly, and was then in the commission of the
 Peace, is a third instance.

We shall only mention one more, which hap-
 pened at the first general election, because it was
 that election where the least undue influence pre-
 vailed.

Mr. Robert Jones was furnished by the Governor
 with a number of blank certificates of having taken
 the oaths to government, in terms of the ordinance;
 one of these was given to Mr. Fortin, a person who
 never had taken the necessary oaths, in consideration
 of his voting for Mr. Hume and Mr. Campbell,
 two of the Governor's friends, and his vote was in
 consequence received on the poll.

ART. V. With respect to their second resolu-
 tion; the Council beg leave to refer your Excel-
 lency to a copy of the several polls of the elections,
 hereunto annexed; by which it will appear, that
 the assertion of the Council, that the members of
 the present Assembly were chiefly chosen by his
 Majesty's new Roman Catholic subjects, is fully
 justified, there being *eighteen of the twenty one mem-*
 bers

bers chosen almost entirely by the new adopted Roman Catholic subjects. And we cannot help observing, that three of the small number who appear by their own minutes in constant opposition to their measures, were chosen by his Majesty's natural born subjects.

Ans. V. The assembly never did alledge that the majority of the voters were not new subjects: it certainly was the case in the last election, and must be the case in every election in this island. But they say it was a malicious, canting aspersions in the Council, "that the Assembly have been chosen contrary to the opinion of all good Protestants and his Majesty's old subjects."

To make the application of the state of the poll any way answerable to their conclusions, they ought to have distinguished between the new subjects who were Protestants and those who were Roman Catholics. Do the Council pretend that the new adopted subjects have no right to vote?

If they have a right to vote, their sentiments in the community, as far as their right goes, ought to be equally regarded as others. Would Mr. Melvill, and the Council, have the sentiment, of 496 antient inhabitants, yield to 199 new settlers? This is even supposing that all the natural-born-subjects had voted one way, whereas in fact, according to their own state, they are pretty equally divided.

What would become of the parish of St. Mark's and St. John's, upon the principle laid down by the Council, which parishes, according to the state of the polls, have no natural born subjects at all? Mr. Melvill is sent here to govern a ceded island. A regard to the antient inhabitants, so that they may feel the mild, extensive, merciful, and tolerating principles of our government, is his chief duty.

There could not be a juster accusation against his administration, than that he has rendered himself odious to the antient inhabitants, and endeavoured to raise those ignoble distinctions of new and old subjects, Protestants and Catholics, which ought to have

‘ have been buried in oblivion. The motives and influence which has set three Members in constant opposition to all the other Members of the Assembly, is distinguishable, as well as their connections, by their names, viz. John Piggot, Alexander Middleton, and Hugh Munro.

‘ ART. VI. In regard to their fourth resolution, we say, that upon the clearest principles of reason and the constitution, no branch of legislature can, by their votes or resolutions, make that unlawful, which was before lawful, and vice versa. And if any person hath been, or shall be punished, for doing his duty strictly, according to law; we hold such punishment as arbitrary, oppressive, and unjust, by whomsoever inflicted: and we are persuaded your Excellency and the world, think the punishment, lately inflicted upon Mr. Robertson, and Mr. Nethercott, by the House of assembly, was a very improper exertion of power †.

‘ ANS. VI. Undoubtedly every new declaration of any privilege, *ex post facto*, carrying punishment, is a grievance and contrary to the proper maxims of a just government, and therefore the trite observation, ushered in by the Council with so much pomp, is ridiculous. The privileges of both branches of the legislature are derived from the common law, but unfortunately, from the nature of their authority, it is impossible to define those privileges in every case, and therefore each branch must always be judge for itself concerning the interpretation of that part of the law, but it may be said in general (as undoubtedly this is one of the most critical parts of our government) that provided the authority of the different branches of the legislature is not contemned, that the members, or the body, can hardly be too gentle in using this extensive prerogative. It was these considerations which induced the Assembly to come to so mild a

† Is this the language of a Board of State and Advice? If either branch of the Legislature has a right to animadvert on the other, that branch so subject to animadversion would instantly cease to be a part of the supreme power, and that other branch who should be possessed of this power of animadversion, would be completely sovereign.

Blackiston, b. I. p. 244.

• determination in the cases of Mr. Robertson and
 • Mr. Nethercott, as that of their only asking pardon
 • and acknowledging their fault.

• ART. VII. In answer to their fifth resolution,
 • the Council being informed by several persons,
 • that they had been summoned before a committee
 • of the Assembly, called by them a committee of
 • grievances; and questioned for having signed a me-
 • morial to your Excellency and Council, and pre-
 • sented to our board the third day of Dec. last; We
 • cannot help considering such proceedings of said
 • committee not only as a manifest breach of the privi-
 • leges of this board; but also, a great grievance to
 • the subject, and subversive to their rights and liber-
 • ties. And we utterly deny that our board had any
 • share in preparing and forming said memorial; and
 • it would seem that the foundation of the Assembly's
 • resentment to the persons who signed the said me-
 • morial, was the compliments paid by them to your
 • Excellency and the Council: and we are persuaded
 • the impartial world will think with us, that the
 • jealousies and distrust of the natural-born subjects,
 • expressed in the said memorial, were but too well
 • founded; and so far from being yet allayed, that
 • they are greatly increased, by the cabals and in-
 • trigues of some of the Assembly, so very unjustly
 • imputed to us.

• ANS. VII. It is very strange to hear the Council,
 • on the one hand alledging that the memorial pre-
 • sented to the Governor and Council, and signed by
 • many of the inhabitants, and afterwards officially
 • transmitted to the Assembly, was a thing of the most
 • important consequences to the community, on which
 • the life, property, and religion, of the inhabitants
 • depended, and where the privileges of both bran-
 • ches of the legislature were concerned; and yet that
 • the Assembly were committing a manifest breach of
 • these privileges of the Council board, and heaping
 • grievances on the subjects, subversive of their rights
 • and liberties, by examining into the foundation of
 • this memorial.

‘ Was it so entirely imaginary that it could not bear the slightest examination?

‘ Were the Council afraid that all the lofty alarms, on the jealousies, mistrusts, liberty and religion, of the island, should be centered in the brain of Mr. Alexander Simpson and his associate?

‘ Were the compliments in the said memorial paid to the Governor and Council, by so many late imported subjects, and loyal sailors, so very airy that they could not bear a repetition in evidence? If the Council board had no share in preparing and forming the said memorial, will it be asserted that the different members had not? Why is the whole island now left at a loss to determine the origin of so alarming a performance? Can we find no man who will own himself the author, where so much glory might be gained, in point of language, piety and zeal for our constitution? The immediate prorogation of the Assembly, for proceeding upon a simple enquiry into this matter of fact, will determine the author better than any evidence they could have found.

‘ ART. VIII. To the seventh resolution, we reply, that we have *reason to believe*, that the Council of Barbadoes and the Leeward-Islands (examples we are chiefly authorized to follow) *do sit upon all occasions, where any public business requires their consideration*, without having regard to the particular times appointed for the meeting of their Assembly, and such practice appears evidently necessary, for the greater dispatch of public business †.

‘ ANS. VIII. That the Councils of Barbadoes and the Leeward-Islands, do sit in a legislative capacity, when the Assembly is prorogued, we positively deny. But supposing such irregularity had ever happened, the example could not vindicate such a conduct in any other part of the British dominions. A man might as well vindicate murder from its having been committed in another part of the world: and we do repeat again, that any person, who can maintain

† Both houses are necessarily prorogued at the same time.—

Blackiston, Vol. I. p. 186.

‘ such absurdity, is totally unfit to hold any office;
 ‘ even that of a constable, in the British government;

‘ ART. IX. As to what the Assembly alledges in
 ‘ the paper called their address, which as we have
 ‘ already said, ought rather to be called a charge
 ‘ against your Excellency and the Council, for undue
 ‘ interpolitions in elections, partiality in returning
 ‘ officers, chiefly members of his Majesty’s Council,
 ‘ and your Excellency’s nomination, and for obstruc-
 ‘ tion given to public business by the wanton cabals
 ‘ and intrigues of people in power; We affirm to be
 ‘ mere assertions not founded in truth; and they have
 ‘ not ventured to alledge any particular instances in
 ‘ support of their charge, from a consciousness that
 ‘ none such did ever subsist: for certainly they can-
 ‘ not mean that the members of the Council have not
 ‘ a right to give their votes at elections by virtue of
 ‘ *th*ir freeholds, a doctrine never heard of in any
 ‘ Colony: nor even that they should *not recommend*
 ‘ *proper persons as representatives*, when their own
 ‘ properties and interests are so greatly concerned;
 ‘ though we are very ready to acknowledge that we
 ‘ had not the smallest share in recommending much
 ‘ the greatest part of this Assembly.

‘ ANS. IX. Assertions on either side, as has been
 ‘ said before, should have no weight in the decision of
 ‘ these matters, and therefore we pass over the first
 ‘ part of this paragraph.

‘ The instances where the Governor and Council
 ‘ have interfered in elections, are already given. The
 ‘ Assembly do certainly mean, that the members of
 ‘ the Council have no constitutional right to give
 ‘ their votes at elections by virtue of their freeholds,
 ‘ a doctrine never before mentioned in any colony,
 ‘ where the just poise of the constitution was under-
 ‘ stood. They themselves are the proper representa-
 ‘ tives for their own properties and interests in the
 ‘ legislature. The members of the present Assembly,
 ‘ willing at the same time to acknowledge every in-
 ‘ stance of candor in the Council, do particularly
 ‘ allow the obligation they owe to them, for confessing
 ‘ they had not the smallest share in recommending
 ‘ much the greatest part of this Assembly.

‘ ART.

‘ ART. X. But we must beg leave to take particular notice of their insinuations, that two of the members of the Council, as such, had taken upon them to set at liberty two gentlemen committed by the House of Assembly without due course of Law : whereas it is well known to your Excellency, and the public, that the two members of the Council acted in their characters of Judges of his Majesty’s Court of Common Pleas ; and that they did upon application grant a writ of Habeas Corpus, to have Mr. Robertson and Mr. Nethercott brought before them, and upon return of such writ, admit them to bail.

‘ ANS. X. Whether Judges have the power of relieving, by Habeas Corpus, from a commitment of either House, is a point that the members of the Council might be excused for erring in, since Lord Holt himself was in doubt concerning it. But ever since this point was thoroughly canvassed in the Aylesbury case, and since in the case of Mr. Murray, all men seem to confess, that allowing the power of relieving to be in the Judges, the authority of Parliament must dwindle to contempt. This point has been treated with great learning in the dispute between Mr. Littleton and the Assembly of Jamaica, which ended in the recall of that Governor, and of his successor entering a *Vacatur* on the proceedings in Chancery upon that subject, before the subsequent Assembly would do any business with him.

‘ It is at the same time curious to hear the Council pleading for their own power of committing for contempt in the case of Mr. Cazaud, where they had totally misunderstood their situation, and yet denying this power to the Assembly ; but the attempt of the Council, as Judges of the Common Pleas, in relieving from the commitment of the Assembly, is not half so absurd as that of the subsequent relief given by the Governor as Chancellor, who, in fact, by a law of the island, passed by himself * ; is only

* ‘ This law was not confirmed by the King.’

‘ a constituent part of the Chancery. In short, if it
 ‘ is once admitted, that any power can relieve from
 ‘ the commitment of either House, there is an end of
 ‘ the present establishment of our constitution.

‘ ART. XI. As to the address of the Grand Jury
 ‘ to your Excellency to call a meeting of the Assem-
 ‘ bly, we must observe the impropriety, or rather ab-
 ‘ surdity, of such an application to your Excellency,
 ‘ as the prorogation expired the next day after the pre-
 ‘ senting the address, and the Assembly must have
 ‘ met in course: And we must likewise observe, that
 ‘ it is highly probable this address was promoted by
 ‘ some members of the Assembly who were of the
 ‘ Grand-Jury, solely with a view to throw an odium
 ‘ upon your Excellency and the Council, and not
 ‘ from any distrust that the prorogation would at that
 ‘ time be renewed.

‘ ANS. XI. The address of the Grand-Jury was
 ‘ undoubtedly calculated to demonstrate, beyond a
 ‘ possibility of contradiction, that all the sounding ex-
 ‘ pressions of the loyal, faithful, and Protestant sub-
 ‘ jects being entirely on the side of the Governor and
 ‘ Council, in their late disputes, was without foun-
 ‘ dation; and that many of the said loyal, faithful,
 ‘ and Protestant subjects, had the fullest confidence
 ‘ in the Assembly, which Assembly would otherwise
 ‘ undoubtedly have been prorogued. The address of
 ‘ the Grand-Jury has answered the intent it was cal-
 ‘ culated to serve; and therefore we do not wonder;
 ‘ that in this respect, it should meet with the repre-
 ‘ hension of the Governor and Council.

‘ ART. XII. Having thus, we are persuaded, fully
 ‘ disproved to the satisfaction of your Excellency and
 ‘ the world, the groundless allegations of the Assem-
 ‘ bly; we cannot but lament the unhappy state of
 ‘ this poor colony, where innocence is no defence
 ‘ against calumny and detraction, and the particular
 ‘ hardship of our case, when after the most conscien-
 ‘ tious and attentive discharge of our duty to our
 ‘ Sovereign,

‘ Sovereign, and the public, we should be obliged to
 ‘ defend our conduct against the unprovoked malevo-
 ‘ lent attacks of obloquy and slander.

‘ ANS. XII. If the memorial of the Council has
 ‘ in any measure disproved the allegations of the As-
 ‘ sembly, we acknowledge ourselves totally incapable
 ‘ of reasoning upon these subjects.

‘ We are extremely sorry, that in treating the ans-
 ‘ wers of the Governor and Council, we have found
 ‘ ourselves sometimes obliged to expose them in lan-
 ‘ guage, and in a manner that may seem below the
 ‘ dignity of their stations, as well as of our own cha-
 ‘ racters.

‘ It is hardly possible to put the transactions of
 ‘ such men in a proper light, without having re-
 ‘ course to ridicule, or by allusions to those authors
 ‘ who have painted men pretending to act the same
 ‘ selfish scenes under the mask of religion and loyalty,
 ‘ and from mere natural lights, moving in situations
 ‘ that require the greatest precision, firmness, learn-
 ‘ ing, and moderation; and therefore we shall con-
 ‘ clude, with equally lamenting the unhappy state of
 ‘ this island, committed in an age of the most exten-
 ‘ sive learning and humanity, to the management of
 ‘ men, who profess, and practise, maxims of the
 ‘ grossest barbarism, and call upon their God and
 ‘ their King, to vindicate them in such hypocrisy.’

Papers which were read to prove

ARTICLE 2d.

Attested Copy of the warrant of commitment of Mon-
 sieur Cazaud, when the Assembly stood prorogued,
 which was read, but not admitted as proper evi-
 dence.

“ GRANADA.

“ WHEREAS a summons, by order of the mem-
 “ bers of his majesty’s council, issued under the hand
 “ of the deputy clerk of the said council, bearing date
 “ the 20th day of November, in the eighth year of his
 “ majesty’s

“ majesty’s reign, directed to Cazaud de Roumillac, re-
“ quiring him personally to attend on, and before a
“ committee of the said council, in the town of St,
“ George, on Friday the 27th of the said month of
“ November, And whereas the said summons was on
“ the 21st day of the said month, personally served on
“ the said Cazaud de Roumillac, by James Robins, a
“ bailiff of the provost-marshal of this island, as ap-
“ pears by return thereof on the oath of the said
“ James Robins; and whereas the said Cazaud de Rou-
“ millac, in disobedience and contempt of the said
“ summons, and of the authority of the said council,
“ refused to appear and attend on the said committee,
“ as by the said summons was required, and thereupon
“ a warrant issued, bearing date the 30th day of the said
“ month of November, was directed to the provost-
“ marshal of the said island, to apprehend the body of
“ the said Cazaud de Roumillac, and when apprehend-
“ ed, to bring him before the council, to answer the said
“ contempt. And whereas the said Cazaud de Rou-
“ millac hath, by virtue of the said warrant, been ap-
“ prehended by Henry Wright, also a bailiff of the said
“ provost-marshal, pursuant to the direction of the said
“ warrant, was this day brought before the members of
“ his majesty’s council, and being interrogated con-
“ cerning the disobedience and contempt aforesaid, it
“ appeared to the said council, that the disobedience
“ of the said Cazaud de Roumillac to the summons
“ was wilful, and done in scorn and contempt of the
“ dignity, authority and justice of this board, but
“ wilfully persisting in his obstinacy and contempt,
“ hath not made any submission for the said offence,
“ but did in still higher contempt of this board, re-
“ fuse to answer any questions put to him, but said,
“ it was his lawyer’s opinion he should not answer
“ any questions that should be put to him, and he
“ would follow his advice.

“ These are therefore in his Majesty’s name, to
“ authorise and require you, William Beaty, Esq;
“ Deputy Provost Marshal of this Island, to receive
“ into the common gaol the body of the said Cazaud
“ de Roumillac, and him in safe custody there keep,
“ until

“ until he shall under his hand, make such submissions for his disobedience and contempt, as his Majesty’s Council, *in Council shall judge consistent with their honour and dignity to accept*; and as the nature of his example for *example sake*, requires; and for your so doing this shall be your warrant.”

“ Given under our hands and seals *in the presence of his Excellency in Council*, at the Council Chamber St. George’s, this second day of December, in the eighth year of his Majesty’s reign.” Signed,

“ Rob. Turner,
“ John Graham,
“ Patt. Maxwell,
“ Wm. Lindow,

“ Fred. Corfar,
“ P. Gordon.”

G R A N A D A.

“ A true copy from the original, examined and attested the third day of December, one thousand seven hundred and sixty seven.

“ JOHN SOMERVILLE,
“ Deputy Clerk of the Council.”

Case of Monsieur Cazaud, as layed before his Lawyers here: Containing extracts from the Minutes of Council of the 19th, 20th, and 30th, of Nov. and 4th of December, 1767, which was offered to be read, as the Originals of those Minutes could not be found, but this was refused.

“ I N the latter end of the year 1766, Governor Melvill, having thought proper to dissolve the general assembly of Grenada, and fearing lest the members thereof, if elected a second time, should still oppose his measures, intimated to his majesty’s

† As Mr. Beaty is not within the jurisdiction of any court here, what better evidence does the nature of the case admit of? Or can any proceeding be more illegal and absurd than the facts as specified on the face of this warrant?

new subjects, that in case they voted for such candidates as he should recommend, an act might be passed to enable a certain number of them to sit in the assembly.

When the elections came on, several of the members of the former assembly having declined to stand, and the new subjects having voted in general as Governor Melvill would have them; the second assembly was composed in a great measure of such persons as he wished for.

Shortly after the meeting of this assembly, a motion was made therein by Mr. Pigot, and seconded by Mr. Robertson, and inserted in the Granada Gazette, in the following words, "For leave to bring in a bill to declare all his majesty's new subjects of this island Granada, and the Granadines formerly subjects to his most christian majesty, and now ceded to the crown of Great Britain by the late treaty of peace, to all intents and purposes capable of enjoying the same privileges and immunities as if born in any of his majesty's dominions." And a committee was appointed accordingly. On the 14th of October, 1767. An act of the Council and Assembly was passed, entitled, "An act for regulating the election of the general Assembly of Granada and the Granadines, and for the better ascertaining the qualifications of electors and elected." And the assembly being chosen for a year only, was of course dissolved; the new subjects hearing of this act, concluded from the intimations of Governor Melvill, the motion made in the assembly by Mr. Pigott and Mr. Robertson, and from several letters wrote by their correspondents in England, signifying that his Majesty and his ministers seemed graciously disposed to abolish all distinctions between them and the old subjects, that a certain number of them must under this act be admitted to sit in the assembly.

Whereupon Mr. Cazaud de Roumillac, Mr. Devoconu, Mr. Demonchy, and some other gentlemen of considerable fortune, sent to the secretary's office and desired to see this act; there, they were told

‘ told it was in the hands of the printer; then they
‘ went to him, and were informed it was in the press,
‘ and would be ready in a day or two; however, they
‘ never could obtain a copy or even a sight thereof,
‘ until the 10th of November following, *the day after*
‘ the election for the town of St. George.

‘ The poll being opened on the 9th of November,
‘ Mr. Demonchy was set up as a candidate. (*Note*
‘ *the town and parish send six members*) And several free-
‘ holders, crowded to vote for him, but Mr. Robert-
‘ son the returning officer refused to take down his
‘ name or to receive any votes for him, alledging that
‘ Mr. Demonchy was a roman catholic; to which
‘ Mr. Demonchy answered, *that he did not stand as a*
‘ *roman catholic, but as a new subject.* This answer
‘ had no effect on Mr. Robertson, he still persisted in
‘ his refusal, upon which Mr. Cazaud came up with
‘ a protest, signed by himself, and several of the new
‘ subjects, and began to read the same, but Mr. Ro-
‘ bertson *called for constables to turn him out;* then Mr.
‘ Demonchy took the protest and attempted to read
‘ it, *constables were again called for by Mr. Robertson,*
‘ *and by Mr. Neithercott, to carry Mr. Cazaud and*
‘ *Mr. Demonchy to prison: The constables at length came*
‘ *up, and laying their hands upon Mr. Demonchy and*
‘ *Mr. Cazaud, forced them to retire several paces,* Mr.
‘ Demonchy having first laid the protest upon the
‘ table, which Mr. Robertson then threw upon the
‘ floor.

‘ It is necessary to observe that by the act for regulat-
‘ ing elections, any qualified person after he is elected,
‘ taking the oaths of allegiance and supremacy and
‘ subscribing the test before the Governor and Coun-
‘ cil, is intitled to sit in the Assembly, and any person
‘ elected is liable to pay a fine of 100 pounds for re-
‘ fusing to take these oaths and subscribe the test.

‘ The

* The election being over, Mr. Robertson wrote
 * the following letter to Governor Melvill.

* S I R,

“ I HAVE the honour to inform your excellency,
 “ that agreeably to your excellency’s writ to me
 “ directed while I was taking the poll as returning
 “ officer for the town of St. George’s, Mr. Devoconu,
 “ one of the new adopted subjects, offered to set up
 “ Mr. Demonchy another of them as a candidate;
 “ that agreeably to the election bill, I demanded
 “ if he, Mr. Demonchy, was a protestant, know-
 “ ing him not only to be a reputed, but *believing*
 “ him to be a professed roman catholic, to which he
 “ replied, I had no right to ask him any questions, and
 “ insisted in a violent impetuous manner upon being
 “ entered upon the poll as a candidate, which (*having*
 “ *previously consulted his majesty’s attorney † general*) I
 “ refused, as being contrary to an express clause in the
 “ election bill, which says, Provided the candidate so
 “ proposed be a protestant. Whereupon a great *uproar*
 “ ensued from the said Mr. Demonchy, and many other
 “ of the new adopted subjects, who had come there to
 “ support his pretensions, and particularly Mr. Cazaud,
 “ who though no freeholder in the town, began in a
 “ tumultuous manner to read a French paper which he
 “ called a protest, which I would not permit; then the
 “ said Mr. Demonchy took the said paper and attempt-
 “ ed to read it, which I prevented, then Mr. Demonchy
 “ threw down the paper before me on the table, declar-
 “ ing at the same time they protested against me for re-
 “ fusing them their just rights, &c. &c. He, Mr.
 “ Demonchy, in particular, during the whole poll,
 “ continued to threaten me with prosecutions at law,
 “ for every freeholder’s voice that was offered for him
 “ and refused by me. Upon my perusal of the paper
 “ after the election was over, I found it in my opinion,

† Who is a member of the Council,

“ so gross an insult upon the legislature of the colony,
 “ and so daring an attempt to violate one of its acts, and
 “ containing likewise many gross misrepresentations
 “ and seditious insinuations, that I desired Mr. Mid-
 “ dleton, *acting* for the sworn interpreter, to translate
 “ it, and now I think it incumbent upon me to lay it
 “ before your excellency, with the translation, that
 “ such proper steps may be taken as to your excellency
 “ shall seem meet. I have the honour to be with
 “ the greatest respect,”

Sir,

His excellency Your excellency's most obedient,
 General Melvill. and most humble servant.

W. R.

COPY of the protest †.

“ NOUS soussignés les nouveaux sujets adoptés
 “ par sa majesté Britannique déclarons protester & pro-
 “ testons contre l'injustice qu'il auroit à prétendre
 “ être en droit de nous juger sur un bill d'élection
 “ dont pas un des nouveaux sujets n'a connoissance
 “ jusqu'à ce moment présent destiné à l'élection pour
 “ laquelle nous sommes assemblés, par les mesures
 “ qu'on a prises pour le tenir secret. Protestons en
 “ outre contre ce que le dit bill pourroit contenir de
 “ contraire à nos interets, protestons en outre contre
 “ tout ce que a pu jusqu'à présent ou pourra se faire à
 “ l'avenir de contraire à nos droits, comme étant aussi
 “ contraires aux intentions justes & paternelles de sa
 “ majesté, aux pieds de qui nous porterons notre
 “ douleur & nos plaintes qu'on a eu jusqu'à présent
 “ l'adresse détouffer par les insinuations reiterées que
 “ cetoit manquer à l'autorité que de reclamer la
 “ justice. Ce 9 Novembre, 1767.”

† Neither the Rape of the Bucket,—the Lutrin,—nor the Rape of the Lock,—under the burlesque extravagance of poetical fancy, have produced more ridiculous distractions than this simple paper has exhibited, under the serious sadness of Governor Melvill.

TRANSLATION of the protest.

“ WE underwritten, his majesty's new adopted
 “ subjects, declare that we protest, as we do hereby
 “ protest against the injustice there would be in pre-
 “ tending to have a right to judge us upon a bill of
 “ election, *of which by the measures that have been taken*
 “ *to keep it secret, not one of the new subjects has the*
 “ *least knowledge even at this moment, when the election*
 “ *is to take place and for which we are assembled; we*
 “ further protest against whatever may be contained
 “ in the said bill contrary to our interest; we further
 “ protest against all that has been done or may be
 “ done in future against our rights, as being also con-
 “ trary to the just and paternal intentions of his Ma-
 “ jesty, *to whose feet we will carry our grief, and our*
 “ *complaints, which they have hitherto had the address*
 “ *to stifle by repeatedly insinuating that it was offending*
 “ *the government to claim justice.* This 9th day of
 “ November, 1767.”

• This letter and the protest were laid before the
 • Council by Governor Melvill, and the following
 • letter was wrote and delivered to Mr. Cazaud :

“ SIR,

“ YOU are hereby required to give your atten-
 “ dance on the honourable the Council of this island,
 “ at the court house in the town of St. George's, on
 “ Friday next being the 27th instant, at ten o'clock
 “ in the forenoon; then and there to answer a com-
 “ plaint now under consideration of this board, con-
 “ cerning a paper signed by you.”

• I am

• Sir,

• Your humble servant,

• November

• JOHN SOMERVILLE,

• 20th, 1767.

• Deputy clerk of the Council.

• Mr. Cazaud not being able to attend the Council
 • at the time required, wrote an answer to Mr. Som-
 • ville

ville to excuse his attendance; but this letter he apprehends never was received, no mention having been made of it. As there was another Council appointed for the second of December, Mr. Cazaud went to the town of St. George's on the 1st, in order to attend it, accompanied by † Mr. Scott, whom he took not only as Council but also as interpreter, Mr. Cazaud not being able to speak the English language.

Upon Mr. Cazaud's entering the town the 1st of December in the evening, after sun-set, he was apprehended by a constable in the presence of Mr. Scott and several other persons upon the following warrant, which was then examined and copied by Mr. Scott.

G R E N A D A.

“ TO the provost marshall of the said island or his lawful deputy.”

“ Whereas a summons issued under the hand of the deputy clerk of his majesty's Council, bearing date the 20th instant, requiring the attendance of Cazaud de Roumillac, on a committee of the said Council at St. George's, on Friday the 27th instant, and the said summons was afterwards personally served on the said Cazaud de Roumillac by James Robins, a bailiff of the provost marshall of this island, as appears by the return thereof, on the oath of the said James Robins; and whereas the said Cazaud de Roumillac, having, in contempt of the said summons, of the authority of the said Council, and the said committee, refused or neglected to appear before the said committee pursuant to the said summons.

“ These are therefore in his majesty's name, to authorize and require you, to make diligent search for the said Cazaud de Roumillac, and him, when

† This Gentleman is now in England, and appeared before the Council the second day to prove the facts in this case; but not having been time enough the first day, when this matter had been discussed, the Lords of the Committee of Council would not admit that he should be examined, though he had come up on purpose from the country.

‘ found,

“ found, to apprehend, to bring before the members
 “ of his majesty’s Council, to answer the matter of
 “ the said contempt. Hereof fail not at your peril.
 “ Given under our hands and seals, at St. George’s,
 “ this thirtieth day of November, 1767, and in the
 “ eighth year of his majesty’s reign.”

“ (Signed)

“ Rob. Turner.

“ Jo. Graham.

“ Patt. Maxwell.

“ Mr. Cazaud persuaded the constable to go with
 “ him to the house of Mr. Scott, where, with much
 “ difficulty, he obtained permission to remain in custo-
 “ dy until the next morning, when he was conducted
 “ by the provost-marshal before the council-board;
 “ and, being there, the interpreter of the council was
 “ directed to ask him, if he had not received a sum-
 “ mons, or why he did not attend it, or some questions
 “ of that kind relative to the letter. Mr. Cazaud then
 “ desired the assistance of Council, and also said, that
 “ he was advised not to answer any questions, unless
 “ he had such indulgence. The interpreter repeated
 “ the question: Mr. Cazaud again desired his Coun-
 “ cil might be admitted. Immediately one of the
 “ members of the Council said, that this was a con-
 “ tempt of their board, and that he was of opinion,
 “ to send Mr. Cazaud to gaol. The president replied,
 “ he was of the same opinion, and that he ought to be
 “ sent to the fort; he of the Council, who first gave
 “ his opinion, insisted that he should be sent to the
 “ common gaol, and all the other members, except
 “ Mr. Proudfoot, concurred with him; whereupon
 “ a warrant for his commitment was immediately drawn
 “ up; Mr. Cazaud observing they had not inserted in
 “ the warrant, that he had desired his Council might
 “ be admitted to instruct him, desired this might be
 “ specified, when he was told that it was inserted;
 “ Mr. Cazaud still perceiving that no notice was taken
 “ in the warrant of this request, pressed a second time
 “ to have it inserted, when he was told it was unne-
 “ cessary, as it was wrote in the minutes of the Coun-
 “ cil, though the minutes of the Council, at the time
 “ Mr,

Mr. Cazaud attended, were wrote upon a sheet of loose paper.

After the interpreter had explained to Mr. Cazaud the purport of the warrant, Mr. Cazaud said to the Council, "Gentlemen, I cannot understand how it is a contempt in me of your board, to have asked the assistance of Council?" He then offered sureties for his appearance, to answer for any crime that might be laid to his charge before any court, but it was refused. Then Mr. Scott, at the door of the Council-chamber, desired admittance to his client, Mr. Cazaud, but was refused.

[Here turn to the Warrant of Commitment already printed in the foregoing pages 103, 104, 105.]

By virtue of this warrant Mr. Cazaud was conducted to the common gaol where felons and slaves are usually imprisoned; and, being advised to make a submission as soon as possible, he wrote to the President of the Council the following Letter:

"S I R,

"AS I understand that the reason of my confinement was the mere supposition that it was for want of respect to the Council, I did not attend; and that I refused to answer to the questions you made, I am ready, Sir, to give to you and to the Council, now that I am better informed with the nature of the question, all the satisfaction necessary as soon as you will think it proper.

"I have the honour to be, &c.

"this second of December, 1767.

"CAZAUD de ROUMILLAC."

This letter being in French, he was told he must write in English, upon which he caused the letter to be translated into English, signed and sent it; then he was told that he must prefer a Petition to the Council-Board, relative to the cause of his commitment, as expressed in the Warrant; accordingly

ingly, he signed one to the same purpose, with this addition only, that if his submission was not sufficient, he desired they would draw up one for him, for as he was in the same gaol with the run-away negroes and malefactors of every class, kept close in a small place, where there were several prisoners, one of whom was in irons, he was in hopes that the danger in which he was, in so unwholesome a place, by the offensive smell, would be immediately taken into consideration, and that they would as soon as possible give orders for his enlargement.

On the 4th of December, Mr. Cazaud received the following note: "The Committee having taken into consideration the petition of Mr. Cazaud de Roumillac, are of opinion, that the submission contained in the said petition is in no wise satisfactory to the board for the offence committed by him, but agreeably to the desire of his petition have pointed out what they think sufficient to vindicate the honour and dignity of the council."

"Council-chamber, St. George's, Dec. 4, 1767.

"By command, JOHN SOMERVILLE,
"Deputy Clerk of the Council."

"The committee are of opinion that Mr. Cazaud de Roumillac do express the deepest concern for having so justly incurred the displeasure of his Majesty's Council, by not complying with their summons, and *by refusing to answer any questions put to him by them:*

"They are likewise of opinion that he ought to express his fixed resolution to be always ready in time coming to shew that respect which is due to the dignity and authority of that Board.

"And they are further of opinion that he ought to express the sense he entertains of the *justice and moderation* of the Council, from the nature of their Warrant for his commitment, as by that Warrant he would be immediately liberated on making a

"proper

“ proper submission, and praying that in consideration
“ of this his submission, we would be pleased to
“ order that he should be released from his con-
“ finement. N. B. No pleading ignorance of laws:
“ This to be made public to prevent such contempts
“ from others.”

“ Mr. Cazaud then signed a Petition drawn word
“ for word from the above Minutes which had been
“ sent him by the Council; he added only that his life
“ being in *danger in a place where he was obliged con-*
“ *tinually to burn tobacco and paper and to sprinkle vinegar,*
“ he begged of them to order him quickly to be set
“ at liberty.

“ Soon after sending this Petition, he was visited by
“ a Doctor, who told Mr. Cazaud, that the Council
“ had sent him to see him, to inquire how he did;
“ the Doctor felt his pulse and told him he was not
“ ill, but if he should be so he would give him some
“ physick; he ordered a window to be opened and went
“ away: about an hour after Mr. Cazaud received
“ the following note.

“ The Committee of the Council having from sen-
“ timents of *humanity* continued to sit till ten o'clock
“ at night, to allow the Petitioner an opportunity
“ to obtain his release from confinement, and hav-
“ ing just reason to expect that the prayer of his
“ Petition would have been founded solely upon his
“ *just sense of the greatness of his offence*, is much
“ surprised that it is chiefly grounded on the allega-
“ tion *that he finds his life in imminent danger*, which
“ from a declaration on oath by William Beaty, Esq;
“ Deputy Provost Marshal of this Island, in whose
“ custody the Petitioner is, and this committee having
“ the greatest reason to suspect that the said allegation
“ is false, and having thought it proper to send Doctor
“ Robert Hamilton, a gentleman eminent for his in-
“ tegrity as well as his knowledge in his profession
“ of physick, in order to examine the state of the Pe-
“ titioner's health, and to report the same to this
“ Committee, and having declared upon oath that to
“ the best of his skill and judgment the Petitioner
“ had

" had not any real disease, and that his life was in
 " no danger.

" This Committee are therefore of opinion, that
 " that part of the grounds of his Petition is untrue
 " and inadmissible.

" St. George's †,

" By command,

" December 4, 1767.

" JOHN SOMERVILLE,

" Deputy Clerk of the Council.

" The next day, being the fifth of December,
 " Mr. Cazaud signed and sent a Petition drawn word
 " for word according to the above form, after which
 " Mr. Cazaud was ordered to attend the Council,
 " where he was desired to sign in French what he had
 " signed in English; which he did, and which was
 " printed in the next Gazette; and he was then told
 " that he was at liberty; but, before he went away,
 " he was served with the following writing:

" S I R,

Council-chamber.

" Y O U are hereby summoned and required to give
 " your attendance on the Committee of his
 " Majesty's Council, on Tuesday next, the eighth
 " instant, at ten o'clock in the forenoon, at the Court
 " House, in the town of St. George's: and hereof
 " fail not at your peril. This fifth day of December
 " in the eighth year of his Majesty's reign.

" To Mr. Cazaud de

" By command,

" Roumillac, to be

" JOHN SOMERVILLE,

" served by the Provost " Deputy Clerk of the Council.
 " Marshall or his Deputy.

" As the Council had obliged Mr. Cazaud to
 " acknowledge that there was great moderation in the
 " above Warrant for his commitment, as he had been
 " appointed by the new adopted subjects of Granada,
 " and the Granadines, to come to England in order
 " to represent here a state of their grievances, Mr.
 " Cazaud immediately set off for England.

† This proves that the Committee of the Council sat on the 4th
 December.

The fact in ARTICLE III. is confessed by Mr. Melvill, though he denies the consequences.

To prove ARTICLE IV.

Extract from the Minutes of the Assembly of the 29th of April, 1767.

P R E S E N T.

The Honourable Ninian Home, Esq; Speaker,
 John Melvil, James Mackintosh,
 William Mackintosh, Alexander Campbell,
 Thomas Baillie, Mungo Campbell,
 William Bartlet, James Taylor,
 Robert Young, John Pigot,
 Thomas Shephard, Esquires.

The House being met, the Minutes of the preceding day were read and approved.

The following message was received from the Council.

His honour the President and Council,

To the Gentlemen of the Assembly.

Gentlemen,

THIS Board having passed a Bill to free Augustin, a negroe-man slave, belonging to Couston, of the parish of St. John in this Island, Granada, planter, or to whomsoever else belonging, herewith send it to your house, and desire your concurrence thereto.

By command,

Ar. L. Piggot,

April 29, 1767. Deputy Clerk of the Council.

Ordered, That the said Bill be read for the first time. Then Mr. John Melvill moved, and was seconded, that the Bill should be read for the second and third time immediately, which Mr. William McIntosh opposed, as contrary to the established

‘ rules † of this House, and being seconded, after
 ‘ some debates, the question was put and the House
 ‘ divided.

‘ For the Bill being read ‘ Against the Bill being
 ‘ the second and third ‘ read the second and
 ‘ time immediately. ‘ third time immediately,

‘ Mr. Piggott, ‘ Mr. Taylor,
 ‘ Mr. Alex. Campbell, ‘ Mr. James Mackintosh,
 ‘ Mr. Bartlet, ‘ Mr. Sheppard,
 ‘ Mr. Baillie, ‘ Mr. Robert Young,
 ‘ Mr. Mungo Campbell, ‘ Mr. William Mackintosh.
 ‘ Mr. Melvill,

‘ *Resolved*, That the Bill do receive the second and
 ‘ third reading this day.

‘ *Ordered*, That the said Bill be read for the second
 ‘ time.

‘ *Ordered*, That the said Bill be read for the third
 ‘ time.

‘ Then *Mr. Melvill* moved, and was seconded, that
 ‘ the Bill do pass, which was opposed by *Mr. William*
 ‘ *Mackintosh*, alledging, that the said negroe, *Au-*
 ‘ *gustin*, by having (as it is confidently reported)
 ‘ *committed a rape on a white woman, and being acces-*
 ‘ *sary, if not the principal, in several murders, robbe-*
 ‘ *ries, and other atrocious crimes, particularly the mur-*
 ‘ *der of Mr. Vandel*, is not intitled to the pardon,
 ‘ granted by an Act, intituled, “ An Act for the more
 “ speedy and effectual suppression of runaway slaves,”
 ‘ to runaways, surrendering themselves within a li-
 ‘ mited time, far less is he intitled to his freedom *;
 ‘ and being seconded, after the subject was debated,
 ‘ the question was put, and the House divided.

† Rule, That no Bill be read more than once in the same day,
 “ unless upon an emergent occasion.”

* Governor Melvill has said in his Answer to this Article concerning
Augustine, that he had never heard of *other atrocious Crimes*, though it
 was stated in the public printed minutes at the time.

- ' For the Bill passing. ' Against the Bill passing.
 ' Mr. John Pigott, ' Mr. William Mackintosh,
 ' Mr. Alex. Campbell, ' Mr. Sheppard,
 ' Mr. Mungo Campbell, ' Mr. Young,
 ' Mr. Taylor, ' Mr. James Mackintosh.
 ' Mr. Bartlet,
 ' Mr. Baillie,
 ' Mr. Melvill,
 ' *Resolved*, That the Bill do pass.
 ' *Ordered*, That the following message be sent to
 ' his Honour, the President, and Council.
 ' This House have agreed to the Act to free Augustin,
 ' a negroe-man slave, belonging to Couston, of
 ' the parish of St. John in this island, Granada,
 ' planter, or to whomsoever else belonging, and here-
 ' with return the same to your Honours.
 ' 29th April 1767. ' Ninian Home, Speaker.

' *Ordered*, That Mr. Melvill and Mr. William
 ' Mackintosh do carry the said Message and Bill to his
 ' Honour the President and Council, who returning
 ' reported the delivery thereof †.

Presentment of the Grand Jury against Augustin.

' Granada.
 ' **W**E the grand jurors for our sovereign Lord the
 ' King, on our oaths present Augustin, a negro
 ' man slave lately set free by the legislature of the Co-
 ' lony, for that the said Augustin having been a chief,
 ' or principal of the gangs of rebellious slaves, which
 ' have for some time infested the said island of Gra-
 ' nada, and committed several murders, robberies,
 ' and many enormous acts of violence and insolence;
 ' and having (as it is confidently reported) committed
 ' a rape on the body of a white woman; at divers
 ' times threatened the life of Mr. Couston his master,
 ' and having been accessary, if not a principal in the

† The minutes of Council of the 29th are lost or secreted.

‘ murder of Mr. Vandell, *before* he was so set free; and
 ‘ the said Mr. Couston his late master, having since the
 ‘ freedom of the said Augustin, quitted this island and
 ‘ his property, publicly declaring his sole motive
 ‘ therefore to proceed from his apprehensions of being
 ‘ murdered by the said Augustin, and has in conse-
 ‘ quence directed his plantation and effects to be sold
 ‘ under value, as he cannot without exposing his life
 ‘ remain here, or even return to dispose of his property.
 ‘ And we the grand jury humbly apprehend that if
 ‘ such atrocious offences are suffered to pass unnoticed,
 ‘ the consequences may be very dire and fatal to the
 ‘ colony in general,

Signed

‘ A. Middleton, *cum sociis.*’

Copy of the King's Instructions.

Copy of part of the 11th Article of his Majesty's
 General Instructions to ROBERT MELVILL, Esq;
 Governor in Chief, &c, dated 3d November, 1763,

‘ **T**HAT no law or ordinance respecting private
 ‘ property be passed, without a clause suspending
 ‘ its execution, until our Royal will and pleasure is
 ‘ known, nor without a saving of the right of us,
 ‘ our heirs and successors, and of all bodies politic
 ‘ and corporate, and of all other persons, except such
 ‘ as are mentioned in the said law or ordinance, and
 ‘ those claiming by, from and under them, and be-
 ‘ fore such law or ordinance is passed, proof must be
 ‘ made before you in council, and entered in the
 ‘ Council-books, that public notification was made
 ‘ of the parties intention to apply for such act in the
 ‘ several parish churches where the lands in question
 ‘ lie, for three Sundays at least, successively, before
 ‘ any such law or ordinance shall be proposed: and
 ‘ you are to transmit, and annex to the said law or
 ‘ ordinance, a certificate under your hand, that
 ‘ the same passed through all the forms above-men-
 ‘ tioned,

A P P E N D I X. 131

Translation of a LETTER from Monsieur COUSTON
to Governor MELVILL, dated April 29th, refused
to be read.

‘SIR,

‘I Am just now informed that your Excellency has
‘directed a bill to be passed, for giving freedom
‘to my slave Augustine. I am extremely sorry that
‘I should find so little favour in the mind of your
‘Excellency, that the merit of a person in his sta-
‘tion should overbalance the solicitations I have so
‘often made. In respect to your Excellency, I will
‘not use any harsh expressions concerning this slave,
‘since he is so happy as to receive your countenance;
‘but this much I must say, that in case this act shall
‘pass, from necessity I must withdraw myself from a
‘government that has turned out so different in prac-
‘tice from the representations we were made to be-
‘lieve concerning it; for it will be impossible for me
‘to live in safety, or to govern the slaves I possess,
‘if threatening of my life, and every kind of insult
‘shall be pointed out to my negroes as the road to
‘freedom. I cannot deny (however ignorant I am
‘of any particular fact) the merit of this slave to
‘the public, since your Excellency is pleased to as-
‘sert it; but I hope I may be permitted to say, that
‘no reward for any merit to the public, if this me-
‘rit is attended with insolence, injuries, and disre-
‘spect to the Master, can contribute by the example
‘to the well governing of slaves. I should therefore
‘humbly hope your Excellency would suspend your
‘resolution on this bill, until I can produce wit-
‘nesses, and prove the threatenings he has lately ut-
‘tered against me, and the injuries I have sustained,
‘sufficient to convince your Excellency, that this
‘Protest does not spring from any improper disposi-
‘tion in me to oppose your Excellency, but from a
‘solid conviction that I must be undone if I consent
‘to such an act, or in case your Excellency shall
‘pass it contrary to my prayer.—

‘I am, &c.’

ARTICLE V.

The facts are confessed by Mr. Melvill, though he denies they can apply to him, or that they were reprehensible in their nature.

ARTICLE VI.

Confessed by Mr. Melvill in his Answer; but the minutes of Council of the 25th, 26th, and 27th July 1767, which show the wanton cruelty of this whole proceeding, were not produced, and cannot be found.

To prove ARTICLE VII. the Petition or Memorial was read.

M E M O R I A L.

GRANADA, To his Excellency R—T M—L, Esq; Captain General, and Governor in chief of the Southern Caribbee islands of Granada, the Granadines, Dominico, St. Vincent, and Tobago, in America, and of all other islands, territories and places adjacent thereto, and which are, and heretofore have been, dependent thereupon; Chancellor, Ordinary, and Vice-admiral of the same, and Major-general of his Majesty's forces in the West Indies; and to the Honourable the Members of his Majesty's Council of Granada and the Granadines.

The humble Memorial of his Majesty's most faithful, loyal, and obedient subjects, *born under his Allegiance*, and resident in the said island of Granada.

‘ Sheweth,

‘ **T**HAT your Memorialists being justly alarmed
 ‘ at a late dangerous and unprecedented attempt
 ‘ by his Majesty's *French-born* subjects, to overturn
 ‘ the constitution of the Colony as established by the
 ‘ King's commission under the great seal of Great
 ‘ Britain,

Britain, and the instructions under his royal sign manual, to your EXCELLENCY, and to intrude themselves into the legislature, and into offices and places of trust and confidence; humbly implore the assistance of your Honours, and your Excellency, to defeat a design pregnant with such dangerous consequences, as well to the public, as to our present and future private interests.

The privileges now aimed at, the wisdom of our laws has thought proper, and the experience of past times has made necessary to withhold, from natural-born subjects of the same persuasion, whose loyalty to their Sovereign and affections to their country, have of late been in no instance questioned;—we therefore apprehend they cannot be allowed to a people whom the fortune of war only made British subjects, and whose dispositions, habits, and connections with those who were lately our declared enemies, render them very unfit objects to enjoy a preference over natural-born subjects, of the same religious principles*: yet, with equal surprize and concern, have we heard, that what was aimed at by the attempt lately made here, is earnestly solicited for, and it is confidently said, will speedily be effected at home.

And we have the more reason to be alarmed at the intentions and designs of these people, as they have had the confidence to deny, by a formal protest in writing, the authority of laws made by the consent of their own representatives, and the power of the legislature established by the king's commission and instructions to make acts to bind them.†—Principles of so dangerous a tendency, and so subversive of our excellent constitution, that we stand amazed at the boldness of those, who could thus openly avow them,

As we have the most perfect confidence in and reliance on the wisdom, integrity, and favourable

* Is this language calculated to incorporate the old and new subjects? Is it not on the contrary calculated to alienate their affections, and create irreconcilable distinctions?

† See the Protest itself, in page 109 of this Appendix.

disposition

‘ disposition of your EXCELLENCY, founded in the
 ‘ experience of your disinterested zeal and unceasing
 ‘ application to promote the happiness of the people of
 ‘ your government;—as we cannot but gratefully
 ‘ remember the prudence and moderation which have
 ‘ appeared in the proceedings of the council, particu-
 ‘ larly before the completion of our legislature, and
 ‘ are well acquainted with your HONOUR’s attachment
 ‘ to the true interest of this country;—we trust that
 ‘ the duty your EXCELLENCY owes to your royal
 ‘ master, your zeal for his service, and attachment and
 ‘ affection to the crown and nation;—what your
 ‘ HONOURS owe to yourselves, to your country, and
 ‘ to posterity, will induce you to co-operate with
 ‘ zeal and unanimity to avert the dangers with which
 ‘ this colony is threatened, and which must be the
 ‘ inevitable consequence of success in this bold under-
 ‘ taking.

‘ And we humbly pray your excellency and your
 ‘ honours, to take all such speedy measures, as will
 ‘ be most likely to conduce to that end, and as your
 ‘ superior judgments shall seem best.

‘ And your memorialists, as in duty bound,
 ‘ shall ever pray, &c. &c. &c.

Examination of Moritz Hartman, Taylor, and
 Harry Monro, Clerk, taken before the Assembly,
 who severally prove in those words, respecting the
 above Memorial or Petition; namely,

‘ That Harry Monro received the Memorial from
 ‘ Mr. Sympson, the General’s Secretary, in the
 ‘ presence of Hartman, and was desired by Mr. Symp-
 ‘ son to carry it about for subscriptions; that he
 ‘ made use of Mr. Sympson’s name, to prevail on
 ‘ people to sign it, and even used threats in Mr.
 ‘ Sympson’s name for that purpose, and by his con-
 ‘ sent,

Original of Captain PETER GORDON's letter, (a member of the Council) read to the officers and soldiers assembled on the parade, in order to induce them to sign the petition against the new subjects.

* Copy of Captain GORDON's letter, a member of the council, to the officers of the 70th regiment, at Fort-Royal.

Gentlemen,

I HAVE as commanding officer assembled you here on a subject, in which I think no British man and protestant, who is really attached to his king and country, can be unconcerned, much less *military officers*, whose greatest duty it is to shew on every occasion, zeal, spirit, and steadiness for the support of his majesty's government, our happy constitution, and the protestant interest; it is on these principles, and hopes of meeting the same in you, that I now communicate to you a petition or memorial to his majesty's governor in chief and Council, representing the great danger to which the constitution of the colony, and the protestant religion, in it are exposed, unless the late open and daring attempts of the French Roman Catholics, to force themselves in a manner into the legislature, by the methods they are pursuing both here and secretly in England, to obtain such unconstitutional privilege together with the possession of public offices and trust, unless such attempt be speedily opposed and effectually prevented. This petition is already signed by all the protestants who have seen it, and will, I believe by all others, who are not under particular views and influence of French connections. The gentlemen who have thought it their duty to form and promote this petition have begged of me to lay it before you, as I now do for your joint signa-

* Those who are conversant in style, may be able to discover the author of this extraordinary performance.

ture and hearty concurrence ; I should immediately
 first sign it, but as it is addressed to the governor and
 Council, of which Council I have the honour to be a
 member, it would be improper. But I hereby de-
 clare openly that I will not be wanting in my best
 exertions on this occasion. If any of you are de-
 sirsous of further information about this affair, I am
 ready to give it you.

(Signed) Peter Gordon, captain,
 commanding the 70th regiment.

ARTICLE VIII.

Confessed by Governor Melvill.—

Copy of a Letter from Governor MELVILL to the
 Justices of the Peace, Granada, 27th April 1767,
 ead.

Government House, St. George's,
 April 27th, 1767.

GENTLEMEN,

AS I have just learned, that the affirmation of a
 late conviction may probably happen at your
 meeting of this day, for the entire justification of
 the two Magistrates who performed that disagree-
 able duty, in compliance with their offices, and in
 support of the constitution,—and that I am fully
 persuaded, such motives *alone* will animate the rest
 of the Bench, earnestly disposed to every degree of
 moderation, consistent with the future good and
 safety of the Colony ; I cannot, therefore, Gentle-
 men, but recommend to your observation, that the
 Lieutenant Colonel's conduct, *however illegal*, and
 much to be regretted, yet containing nothing in it
 affecting his honour or character in a military sense,
 leaves room for the Sovereign's goodness being again
 extended to him, provided the moderation of the
 Justices will interpose to prevent the last step to-
 ward

‘ ward disabling him utterly for any future employment; and this I most earnestly wish, not only in consideration for the Colonel himself, who I hope will give sufficient proofs of his concern for past misapprehensions or errors, and from my regard for his relations; but that after his long services, and chargeable promotions, I should indeed feel a very sensible regret, that he could never be restored to his rank in any regiment.—

‘ I flatter myself, Gentlemen, that beside the joint influence of your own benevolence, my recommendation will have the more persuasive weight with you, that you have all seen, on different occasions, and most firmly rely, that however strong my feelings may sometimes be on the side of delicacy and humanity, yet nothing can prevent me from the most strict and firm execution of my public duty, to the utmost of my judgment, when necessity requires it.

‘ I have only to add, that I am,

‘ with very great regard,

‘ Gentlemen,

‘ Your most humble servant, &c.

‘ (Signed)

ROBERT MELVILL.

‘ To his Majesty’s Justices of the Peace,

‘ at the Court House, Quarter Sessions.’

Copy of a Letter from Governor MELVILL to Alexander Symson, Esq; private Secretary to Governor Melvill, and one of the Justices and Judges on the trial; read at the desire of Governor Melvill, in order to soften and explain his former Letter to the Justices.

‘ (Private)

Government House, Granada,

‘ 27th April, 1767.

‘ Dear

Dear Sir,

AS you think, from the conversation you have had, that misconstructions may possibly be put on my Letter to the Justices in behalf of Colonel Johnstone (however well intended and impartial it is) if it should be delivered at the time I proposed, you may take what method and time you think best of delivering it.—Or if it should become absolutely improper or unnecessary, not deliver it at all; though I must own, my wishes are that it should, at least, after the court-business is over.

I am,

Dear Sir,

Your most obedient servant,

(Signed)

ROBERT MELVILL.

To Alexander Symson, Esq; at the Court House.

Copy of a Letter from Governor MELVILL, to Captain Peter Gordon, of his Majesty's 70th regiment, read at the request of Governor Melvill, to show his kind intention to Colonel Johnstone.

(Copy)

Granada,

Government House, 22d April, 1767.

SIR,

I Am most heartily sorry to find myself under the disagreeable necessity of signifying to you, That after the many fruitless endeavours of myself and others, to terminate the unhappy differences between Lieutenant Colonel Johnstone and his Majesty's Justices of the Peace, I have at last received from the latter a formal communication of their having convicted the Lieutenant Colonel, of his having acted contrary to the 60th section, or clause of the Mutiny Act, and having consequently incurred the penalties thereof; viz. of being deemed and taken to be *ipso facto*, cashiered; by which the command of the regiment, *pro tempore*, immediately

and

‘ and necessarily devolves upon you, as eldest Cap-
 ‘ tain; but any further disadvantage, to which the
 ‘ Colonel may be liable, as subsequently declared in
 ‘ the same clause or section of the Mutiny Act, I
 ‘ hope will, by the propriety of his own conduct, on
 ‘ this occasion, and the moderation of the Magis-
 ‘ trates, be entirely avoided; And that it will there-
 ‘ by remain in the power of his Majesty, graciously
 ‘ to restore the Colonel to his rank by a fresh com-
 ‘ mission.—If the officers of the regiment are as sin-
 ‘ cerely desirous of this, as, I persuade myself they
 ‘ are, they will shew it by the prudence of their own
 ‘ conduct, and the *wholesomeness* of their advices to
 ‘ the Colonel. As to my own part, although I am
 ‘ obliged, by the most urgent public business, to quit
 ‘ the island in a few days, and till then shall be ex-
 ‘ tremely occupied with public affairs, yet I would
 ‘ willingly *sacrifice what time and pains I can possibly*
 ‘ *spare*, to the restoring of harmony between the Civil
 ‘ and Military powers.—It is impossible but every
 ‘ sensible good officer must really wish this; and I
 ‘ therefore hope you will find the Gentlemen of the
 ‘ 70th earnestly disposed to concur with you, and
 ‘ support your good offices and endeavours to effect
 ‘ it;—and that they will, in all respects, while your
 ‘ command lasts, shew their duty to his *Majesty*, *zeal*
 ‘ *for the service*, and *respect for the constitution*.

‘ You will be pleased to give a communication of
 ‘ this Letter to the Officers; and through them, and
 ‘ by such other methods as you shall judge *properest*,
 ‘ make as much known of it to the non-commissioned
 ‘ Officers and private men, as may be necessary for
 ‘ their information.—

‘ I have only at present to add, that I am,

‘ Sir,

‘ Your most obedient, &c.

‘ (Signed)

ROBERT MELVILL.

+ Copy of a Letter from the principal Gentlemen of the Island of Granada, to Lieut. Col. Alexander Johnstone, to shew the sense they entertained of his conduct, and of the prosecution which was carried on against him under the auspices of General Melvill, and that there was no difference between the civil and the military, except what Governor Melvill himself had stirred up;—*refused to be read.*

‘ S I R,

Granada, May 1, 1767.

‘ Influenced alone by principle and by truth, we cannot resist the bent of our inclinations, as well to testify our sense of the integrity and uprightness of your private conduct, as the constant, faithful, and honourable discharge of the command vested in you by your royal master; the humane and unwearied diligence so conspicuous, and its consequences so essential, in preserving the healths and lives of the soldiers and non-commissioned officers in his majesty’s 70th regiment, on their arrival in a climate which has ever proved fatal to Europeans; the exact discipline maintained in the regiment, without the appearance of rigorous means, the continual easy deportment of even the meanest soldier under your command to the lowest civil subject; and, in particular, the uninterrupted harmony and affection, which has ever subsisted between the officers of your corps, and the private gentlemen of this colony.

‘ We beg leave to reiterate, Sir, that these undeniable testimonies, in as much as they do honour to your prudence and abilities, so they exact from us on our parts, expressions of unfeigned concern at those measures, which by removing you from a command so consistently and honourably supported, lay you under the unwilling necessity of seeking redress near the royal fountain from whence you derived it; and as an act of our duty to bear record of your services which in this colony must remain their own monument.

‘ With

‘ With an assurance that the tenor of your conduct
 ‘ in this colony, and your long and faithful services to
 ‘ your king and country, will meet with that deter-
 ‘ mination from those judges which are to take your
 ‘ case into further consideration, as is consonant with
 ‘ their characters, station, and love of justice; we
 ‘ have only to conclude with fervent wishes for a pro-
 ‘ perous voyage, and your speedy return, as firmly
 ‘ reinstated in your former command, as you continue
 ‘ to enjoy the hearty esteem of,

‘ S I R,

‘ Your most obedient and most

‘ humble Servants,

- | | |
|--|--|
| 1 Thomas Proudfoot, a
member of the council,
and justice of the peace. | 1 James Mac Intosh, jun.,
member of assembly. |
| 1 Wm Lindow, ditto. | Ralph Buglass. |
| 1 Robert Young, member
of assembly, and justice
of the peace. | Duncan M'Donald. |
| 1 Wm Young, ditto. | 3 Wm Burke, planter. |
| 1 Wm M'Intosh, ditto. | 3 David Mill, merchant
and planter. |
| 1 Alex. Winniett, ditto. | 3 Arch. Scott, planter. |
| 1 Alex. Jn Alexander, do. | 3 Wm Donaldson, planter
and merchant. |
| 2 Richard W. Cormick,
justice of the peace. | 3 L. A. Rochard, consi-
derable planter. |
| 1 Robert Glasford, mem-
ber of the assembly and
justice. | 3 Jean B. Roubin, ditto. |
| 3 Edw. Devenish, planter | 3 Depradines, ditto. |
| 2 Hugh Monro, justice of
the peace. | 3 Robert Cassé ditto. |
| 2 Wm Gray, ditto. | 3 Deroure, ditto. |
| 2 Alexander Young, ditto | 3 Le Cher. Demange de
Vignieulle, ditto. |
| 3 James Mac Intosh, sen.
planter. | 3 Boutillier, ditto. |
| | 3 Purre Castaing, ditto. |
| | 3 Corregé, ditto. |
| | 3 Noel, ditto. |
| | 3 Houc, ditto. |

3 Purre

A P P E N D I X.

- | | |
|---|---|
| <p>3 Purre Le Riche, ditto.</p> <p>3 B. Aquart, merchant.</p> <p>3 Savignac de la Rivierre,
planter.</p> <p>3 De la Chancellerie ditto</p> <p>3 Molinier, ditto.</p> <p>3 L. A. Ferray, ditto.</p> <p>De St. Gorgon.</p> <p>3 Bardinett, planter.</p> | <p>De St. Chanpin.</p> <p>3 La Marque, mer-
chant and planter.</p> <p>3 Fortin Cadet, planter.</p> <p>3 Degannes, ditto.</p> <p>3 Maurielle, ditto.</p> <p>3 De la Brier, ditto.</p> <p>3 De Cella, ditto.</p> <p>3 Le Chr. Degannes, do.</p> |
|---|---|
- 1 Members of the legislature, and justices of the peace 9.
- 2 Planters, and justices of the peace, 4.
- 3 Planters, chiefly the most considerable in the island 30.

E R R A T A.

Page 5. The marginal note to the 7th Article of Charge, should be read thus—Minutes of examination taken before the Assembly, 17th of March. Also the Petition, 3d of December.

P. 10. Last line of note, for *Appendix*, read *Introduction*.

P. 44. First line of note, after *for*, insert *idle*.

F I N I S

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